

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 25 NUMBER 184

Washington, Wednesday, September 21, 1960

Contents

Agricultural Marketing Service

NOTICES:	
Cucumbers grown in Florida; order for referendum among producers, and designation of referendum agents-----	9066
Stockyards:	
Arrowhead Sales Barn et al.; proposed posting-----	9065
Gulf Coop. Marketing Assn., Inc., et al.; posting-----	9065

Agriculture Department

See also Agricultural Marketing Service; Commodity Stabilization Service.	
NOTICES:	
Arkansas; designation of area for production emergency loans----	9066

Coast Guard

NOTICES:	
Equipment, installations, or materials; approval and termination of approval-----	9064
RULES AND REGULATIONS:	
Rules of the Road; miscellaneous amendments-----	9045

Commerce Department

See also Federal Maritime Board.	
NOTICES:	
Crosby, Joseph P.; statement of changes in financial interests--	9067

Commodity Stabilization Service

NOTICES:	
Sugarcane; hearing on prices in Puerto Rico and wages and prices in Virgin Islands, and designation of presiding officers-----	9066
PROPOSED RULE MAKING:	
Rice; determinations to be made regarding marketing quotas, National, State, and county acreage allotments, county normal yields, and proposed date for conducting referendum on quotas for 1961 crop-----	9059

RULES AND REGULATIONS:

Maryland tobacco; marketing quota regulations, 1960-61-----	9033
---	------

Defense Department

NOTICES:	
Processing of claims; single service assignment of responsibility--	9065

Employment Security Bureau

RULES AND REGULATIONS:	
State employment services; symbol of identification-----	9046

Federal Aviation Agency

PROPOSED RULE MAKING:	
Airworthiness directive; Piaggio--	9061
Control zones:	
Designation and modification--	9061
Modification-----	9062
Federal airways and control areas; modification of proposed extension-----	9061
Visual flight rules-----	9060
RULES AND REGULATIONS:	
Electric tachometer; technical standard order-----	9042

Federal Communications Commission

NOTICES:	
Hearings, etc.:	
Altus Broadcasting Co. (KW-HW) et al.-----	9067
Bradford, William L., Jr.-----	9068
Cubbedge, Bert-----	9068
Frier, W. R.-----	9069
Morrison, Don G.-----	9069
Okefenokee Flying Service-----	9068
Peoples Broadcasting Corp.-----	9069
Riviere, A. S.-----	9069
Skyline Broadcasters, Inc., and Earl McKinley Trabue-----	9069
Stephens County Broadcasting Co. (WNEG)-----	9069
RULES AND REGULATIONS:	
Radio broadcast services; option time and station's right to reject network programs-----	9051

Federal Maritime Board

NOTICES:	
Agreements filed for approval:	
City of Oakland and Encinal Terminals-----	9066
Mediterranean-North Pacific Coast Freight Conference-----	9067
Ocean Steam Ship Co., Ltd., et al.-----	9067

Federal Power Commission

NOTICES:	
Hearings, etc.:	
Colorado-Wyoming Gas Co.----	9086
Pacific Power & Light Co.-----	9087
Panhandle Eastern Pipe Line Co.-----	9087
Texaco, Inc., et al.-----	9084
Texas Eastern Transmission Corp. and Algonquin Gas Transmission Co.-----	9086
RULES AND REGULATIONS:	
Statements and reports; miscellaneous amendments-----	9042

Federal Trade Commission

NOTICES:	
Pleasure boat industry; trade practice conference-----	9069

Interior Department

See Land Management Bureau.

Interstate Commerce Commission

NOTICES:	
Motor carrier:	
Alternate route deviation notices-----	9070
Applications and certain other proceedings-----	9071
Transfer proceedings-----	9082
Union Railroad Co.; rerouting and diversion of traffic-----	9081

Labor Department

See Employment Security Bureau.

(Continued on next page)

Land Management Bureau**NOTICES:**

Idaho; cancellation of notice of
filing of plats of survey and or-
der providing for opening of
lands..... 9067

RULES AND REGULATIONS:

Public land orders:
Alaska..... 9050
Washington..... 9049

Post Office Department**RULES AND REGULATIONS:**

Miscellaneous amendments..... 9047

Small Business Administration**NOTICES:**

Columbia, S.C.; authority delega-
tion to branch manager..... 9082
Detroit Regional Office; authority
delegations to chiefs relating
to financial assistance:

Financial Assistance Division..... 9083
Investment Division..... 9084
Loan Administration Section..... 9084

Loan Processing Section..... 9084
Florida; declaration of disaster
area..... 9082

PROPOSED RULE MAKING:

Size standards; hearing on defini-
tion of small business for house-
hold movers industry..... 9062

Treasury Department

See Coast Guard.

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

7 CFR

727..... 9033

PROPOSED RULES:

730..... 9059

13 CFR**PROPOSED RULES:**

121..... 9062

14 CFR

514..... 9042

PROPOSED RULES:

60..... 9060

507..... 9061

600..... 9061

601 (3 documents)..... 9061, 9062

18 CFR

141..... 9042

20 CFR

602..... 9046

33 CFR

80..... 9045

84..... 9045

90..... 9046

95..... 9046

39 CFR

15..... 9047

17..... 9047

25..... 9047

29..... 9047

31..... 9047

44..... 9047

43 CFR**PUBLIC LAND ORDERS:**

2202..... 9049

2203..... 9050

47 CFR

3..... 9051

Now Available**UNITED STATES GOVERNMENT ORGANIZATION MANUAL**

1960-61 Edition

(Revised through June 1)

Published by the Office of the Federal Register,
the National Archives and Records Service,
General Services Administration

817 pages—\$1.50 a copy

Order from Superintendent of Documents,
United States Government Printing Office,
Washington 25, D.C.

FEDERAL REGISTER

Telephone

WO 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D.C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 727—MARYLAND TOBACCO Marketing Quota Regulations, 1960—61 Marketing Year

GENERAL

- Sec.
727.1130 Basis and purpose.
727.1131 Definitions.
727.1132 Instructions and forms.
727.1133 Extent of calculations and rule of fractions.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

- 727.1134 Identification and location of farms.
727.1135 Determination of tobacco acreage.

FARM MARKETING QUOTAS AND MARKETING CARDS

- 727.1136 Amount of farm marketing quota.
727.1137 Transfer of farm marketing quota.
727.1138 Marketing cards.
727.1139 Person authorized to issue marketing cards.
727.1140 Rights of producers in marketing cards.
727.1141 Successors in interest.
727.1142 Invalid cards.
727.1143 Report of misuse of marketing cards.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

- 727.1144 Extent to which marketings from a farm are subject to penalty.
727.1145 Disposition of excess tobacco.
727.1146 Identification of marketings.
727.1147 Rate of penalty.
727.1148 Persons to pay penalty.
727.1149 Penalties considered to be due from warehousemen, dealers, and other persons excluding the producer.
727.1149a Producers penalties; false identification, failure to account, incorrectly determined acreage.
727.1150 Payment of penalty.
727.1151 Request for return of penalty.

RECORDS AND REPORTS

- 727.1152 Producer's records and reports.
727.1153 Warehouseman's records and reports.
727.1154 Dealer's records and reports.
727.1155 Dealers exempt from regular records and reports.
727.1156 Records and reports of truckers and persons redrying, prizing or stemming tobacco.
727.1157 Separate records and reports from persons engaged in more than one business.
727.1158 Failure to keep records or make reports or making false report or record.
727.1159 Examination of records and reports.
727.1160 Length of time records and reports are to be kept.
727.1161 Information confidential.

AUTHORITY: §§ 727.1130 to 727.1161 issued under secs. 301, 313, 314, 372-375, 52 Stat. 38,

as amended, 47, as amended, 48, as amended, 65, as amended, 66, as amended, sec. 401, 63 Stat. 1054, as amended, sec. 125, 70 Stat. 198; 7 U.S.C. 1301, 1313, 1314, 1372-1375, 1421, 1813.

GENERAL

§ 727.1130 Basis and purpose.

Sections 727.1130 through 727.1161 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended, and govern the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Maryland tobacco during the 1960-61 marketing year. Prior to preparing §§ 727.1130 through 727.1161, public notice (25 F.R. 4137) of their formulation was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to §§ 727.1130 through 727.1161 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Acts of 1949 and 1956, as amended. These regulations do not provide for the collection of penalties on excess tobacco produced prior to the 1960 calendar year and marketed after September 30, 1960, it having been administratively found and determined, and it is hereby so found and determined, that (a) there will not be more than a negligible amount of such tobacco, (b) there is no practicable course which could be pursued to determine accurately the farms on which such tobacco may have been produced, (c) the costs of endeavoring to collect penalties on any such tobacco would be prohibitive, and (d) any attempt to collect any small amount of penalties which might become due would hamper the efficient and economical administration of the tobacco marketing quota program. Since county committees are now determining the acreage of tobacco on farms, are preparing to issue marketing cards, and the 1960-61 marketing year begins October 1, 1960, it is hereby determined that compliance with the provision contained in section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which requires publication of a substantive rule thirty days before the effective date is contrary to the public interest. Sections 727.1130 through 727.1161 shall, therefore, become effective upon filing with the Director, Division of the Federal Register.

§ 727.1131 Definitions.

As used in §§ 727.1130 through 727.1161 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to

them unless the context or subject matter otherwise requires. The following words and phrases shall have the meanings assigned to them in the regulations contained in Part 719 of this chapter: "Community Committee", "County Committee", "County Office Manager", "Deputy Administrator", "Farm", "Operator", "Secretary".

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Buyers Corrections Account" means the account required to be kept by the warehouseman of any tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, and which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. Buyers Corrections Account shall include from each adjustment invoice the pounds and amounts deducted resulting from short baskets and short weights, and pounds and amounts added resulting from long baskets and long weights which buyers credit or debit to the warehouseman and support with adjustment invoices.

(c) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1960 which has not been marketed or which has not otherwise been disposed of prior to the beginning, as established by the Act, of the 1960-61 marketing year.

(d) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers.

(e) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(f) "Field assistant" or "marketing recorder" means any duly authorized employee of the United States Department of Agriculture and any duly authorized employee of an Agricultural Stabilization and Conservation (ASC) county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas. In a hogshead tobacco warehouse, a person officially authorized by an individual, association, or firm who engages in receiving tobacco from farmers and who assists in the sale of such tobacco through such warehouse to keep records and make reports for such individual, association, or firm with respect to sales of tobacco through the warehouse, shall perform the functions hereinafter prescribed for field assistants.

(g) "Floor sweepings" means scraps of tobacco or leaves, other than bundles, of tobacco which accumulate on the warehouse floor in the regular course of business and resales of such accumulated tobacco.

(h) "Leaf account tobacco" means all tobacco purchased by or for the account

of the warehouse regardless of whether it is whole or parts of leaves or bundles and in addition tobacco, other than floor sweepings, which accumulates on the warehouse floor and is gathered up by the warehouseman for sale, and sales and resales of such tobacco including tobacco from Buyers Corrections Account. Scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, and floor sweepings purchased from another warehouseman or dealer shall be considered leaf account tobacco.

(i) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(j) "Nonwarehouse sale" means any first marketing of farm tobacco other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business.

(k) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(l) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers would equal one pound standard weight.

(m) "Producer" means a person who, as owner, landlord, tenant or sharecropper is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(n) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(o) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(p) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(q) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(r) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended.

(s) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(t) "Tobacco" means Maryland tobacco, type 32, as classified in the Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau

of Agricultural Economics of the United States Department of Agriculture.

(1) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as Maryland tobacco shall be considered Maryland tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which Maryland tobacco is normally produced shall include all acreage of tobacco (without regard to the definition of "tobacco" herein), unless (i) the county committee with the approval of the State committee determines that all or a part of such acreage should not be considered as Maryland tobacco under subparagraph (1) of this paragraph, or (ii) the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been classified pursuant to Part 29 of this title when marketed as a kind of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm in 1960 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(3) Notwithstanding the foregoing definition of "tobacco", or any other provision of §§ 727.1130 through 727.1161, tobacco in hogsheads which at the close of business on September 30, 1960, was on such date physically in the State Tobacco Warehouse, Baltimore, Maryland, and which was produced prior to 1960, shall not be considered to be "tobacco" within the meaning of this subpart if such warehouse has furnished the report required by § 727.1153(g) (2).

(u) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1960 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 727.1145.

(v) "Tobacco subject to marketing quotas" means any Maryland tobacco marketed during the period October 1, 1960, to September 30, 1961, inclusive, and any Maryland tobacco produced in the calendar year 1960 and marketed prior to October 1, 1960.

(w) "Trucker" means a person operating as a common carrier or private carrier who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(x) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse. The term shall also include an individual, association, or firm who engages in receiving tobacco from farmers at the State Tobacco Warehouse, Baltimore, Maryland, and who assists in the sale of such tobacco through such warehouse.

(y) "Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers and the warehouseman.

(z) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets marketed by sale at public auction in sequence at a given time. The term shall also include each marketing of farm tobacco through a hogshead tobacco warehouse to a buyer other than the warehouseman and each marketing of resale tobacco through such warehouse.

§ 727.1132 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Deputy Administrator.

§ 727.1133 Extent of calculations and rule of fractions.

(a) *Harvested acreage.* The acreage of tobacco harvested on a farm in 1960 shall be expressed in hundredths and fractions of less than one-hundredth of an acre shall be dropped. For example, 1.550, 1.555 or 1.559 would be 1.55 acres.

(b) *Percent excess.* The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and 6.782 would be 6.8.

(c) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty" shall be expressed in tenths of a cent and calculations thereof rounded to the nearest tenth of a cent, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths of a cent and calculations thereof rounded to the nearest hundredth of a cent. Computations shall be carried two decimal places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, expressions in tenths calculated as 6.732 would be 6.7; 6.750 would be 6.7; 6.751 would be 6.8; and, 6.782 would be 6.8; and, expressions in hundredths calculated as 0.0536 would be 0.05; 0.0550 would be 0.05; 0.0551 would be 0.06; and, 0.0582 would be 0.06.

(d) *Amount of penalty.* The amount of penalty on any lot of tobacco mar-

keted shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 727.1134 Identification and location of farms.

(a) Each farm as operated for the 1960 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1960-61 marketing year shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

§ 727.1135 Determination of tobacco acreage.

(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1960 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1960 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon acreage and performance determined as provided in the applicable provisions of Part 718 of this chapter.

(b) *Variance in measured acreage.* For the purpose of §§ 727.1130 to 727.1161 inclusive and subject to the rule of fractions heretofore provided in § 727.1133 (a), if the tobacco acreage determined for the farm does not exceed the farm tobacco allotment by more than the larger of one-hundredth (0.01) acre or two percent of such allotment not to exceed nine-hundredths (0.09) acre, the farm tobacco acreage shall be considered within the allotment. If the tobacco acreage determined for the farm exceeds the allotment by more than this amount, the tobacco acreage shall be considered in excess of the farm allotment and disposition shall not be limited to the acreage necessary to bring the acreage within the prescribed administrative variance. In such cases, the farm will not be considered in compliance unless disposition is made of all acreage in excess of the allotment.

(c) *Notice to farm operators.* The county committee, as to each farm, shall notify the farm operator of the results of the measurement of tobacco acreage.

(d) *Harvested acreage of tobacco for purpose of issuing marketing card.* The acreage of tobacco determined or as re-determined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the

correct marketing card for the farm as provided in § 727.1138 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that tobacco representative of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Amount of excess acreage for purpose of issuing marketing card if acreage determination refused.* If the farm operator or any producer on the farm prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1960 tobacco acreage and the tobacco acreage in excess of the 1960 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 727.1136 Amount of farm marketing quota.

(a) *Actual production.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Maryland Tobacco Marketing Quota Regulations, 1960-61 (24 F.R. 6899). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1960 times the farm acreage allotment.

(b) *Excess production.* The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1960 times the number of acres harvested in excess of the 1960 farm acreage allotment.

§ 727.1137 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in § 719.12 of this chapter.

§ 727.1138 Marketing cards.

(a) *Issuance.* A marketing card shall be issued for each farm having tobacco available for marketing. The kind of card to be issued for each farm shall be determined pursuant to paragraphs (b) to (f) of this section. Marketing cards shall be issued in the name of the farm

operator, except that (1) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the Experiment Station and (2) cards shall be issued in the name of the successor in interest to the farm operator.

(b) *Excess marketing card (MQ-77—Tobacco).* The provisions of this paragraph govern the issuance of excess marketing cards for use in identifying marketings of 1960 crop tobacco except with respect to the issuance of marketing cards for the identification of tobacco grown for experimental purposes only, as provided in paragraph (d) (2) of this section.

(1) *Excess marketing card showing full rate of penalty.* An excess marketing card (ineligible for price support loans) showing the full rate of penalty shown in § 727.1147(b) shall be issued for a farm in any case:

(i) Where tobacco is harvested in 1960 from a farm for which no 1960 acreage allotment was established, or

(ii) Where tobacco is harvested in 1960 from a farm and the farm operator or any producer on the farm prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on the farm, or

(iii) Where tobacco is harvested in 1960 from a farm for which, under § 727.1152(f), the 1960 allotment is cancelled.

(2) *Excess marketing card showing converted rate of penalty or zero penalty.* An excess marketing card (ineligible for price support loans) showing the extent to which marketings of 1960 crop tobacco from a farm are subject to penalty, determined as provided in § 727.1144 (including zero penalty) shall be issued in any case:

(i) Where tobacco is harvested in 1960 from a farm in excess of the farm acreage allotment therefor, or

(ii) Where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(3) *Excess marketing cards showing zero penalty only.* An excess marketing card (ineligible for price support loans) showing zero penalty only shall be issued under the following conditions:

(i) If more than one kind of tobacco is produced on a farm in 1960, a zero penalty excess marketing card shall be issued for each kind of tobacco produced thereon for which the harvested acreage is not in excess of the farm acreage allotment therefor if at the time of issuing marketing cards for the farm the harvested acreage of any kind of tobacco (as defined in § 727.1131(t), § 725.1131(t) (25 F.R. 3935) and § 723.1131(m) (25 F.R. 3927) of the tobacco marketing quota regulations for the 1960-61 marketing year) is in excess of the farm acreage allotment for such kind of tobacco; or

(ii) For any kind of tobacco produced on a farm in 1960 the acreage of which is in excess of the farm acreage allotment therefor and the operator or any other producer on the farm fails to notify the county ASC office (with deposit to cover the cost as determined by the county committee and approved by the State committee) of his intention to dispose

of any excess tobacco acreage or to request remeasurement of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS-590, Notice of Excess Acreage, and the tobacco produced on the excess acreage is disposed of other than by marketing, in accordance with § 727.1145, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to file such written request was due to circumstances beyond the control of the farm operator or producer, or

(iii) For any kind of tobacco physically harvested from a farm in 1960 from an acreage in excess of the acreage allotment for the farm and disposed of in accordance with § 727.1145 unless the county committee or the county office manager on behalf of the county committee determines that the acreage of tobacco was not measured, or remeasured as the case may be, in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(c) *Excess marketing card (MQ-77—Tobacco) marked "carryover"*. An excess marketing card (ineligible for price support loans) marked "carryover", authorizing the marketing without penalty of carryover tobacco from the farm shall be issued for a farm with respect to which there is carryover tobacco.

(d) *Within quota marketing card (MQ-76—Tobacco)*. In any case where an excess marketing card is not required to be issued for use in identifying marketings of 1960 crop tobacco from a farm under paragraph (b) of this section, a within-quota marketing card (eligible for price support loan and marketing without penalty) shall be issued for such farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1960 is not in excess of the farm acreage allotment therefor.

(2) If the Director of a publicly owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station.

(ii) Name of the owner, and name of the operator if different from the owner of each farm on which tobacco is grown for experimental purposes only.

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only, and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only; the tobacco was grown under his direction; and the acreage on each plot was considered necessary for carrying out the experiment: *Provided, however*, That if the Director of a publicly owned agricultural experiment station does not furnish the information and certification as required above in this subparagraph, an excess marketing card showing zero penalty shall be issued for the purpose of identifying tobacco produced for

experimental purposes only under the direction of such Director. The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(e) *Stamping within quota marketing cards (MQ-76) to show producer indebtedness*. (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, any within quota marketing card (MQ-76) issued for such farm in accordance with paragraph (d) of this section shall bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness shall be shown on the inside back cover of the marketing card: *Provided*, That if the producer named as debtor on the card objects to the issuance of or after issuance to the use of a within quota marketing card (MQ-76) bearing the notation and information of indebtedness to the United States thereon as provided in this subparagraph, an excess marketing card (ineligible for price support loans) showing "zero penalty" shall be issued for such farm. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card, shall constitute an authorization by such producer to any tobacco warehouseman to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lien holders. The acceptance and use of a within quota marketing card bearing a notation and information of indebtedness to the United States shall not constitute a waiver of any right by the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(f) *Replacing or issuing additional marketing cards*. Subject to the approval of the county office manager, two or more marketing cards may be issued for any farm for use in identifying marketings of (1) 1960 crop tobacco, or (2) carryover tobacco. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card, shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the county office manager, who issued the

card, to have been lost, destroyed or stolen.

§ 727.1139 Person authorized to issue marketing cards.

(a) The county office manager shall be responsible for the issuance of tobacco marketing cards for farms in the county, including farms on which tobacco is grown for experimental purposes by a publicly owned agricultural experiment station.

(b) Each marketing card shall bear the actual or facsimile signature of the county office manager who issues the card. The facsimile signature may be affixed by an employee of the ASC county office.

§ 727.1140 Rights of producers in marketing cards.

Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 727.1141 Successors in interest.

Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent to such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 727.1142 Invalid cards.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 727.1143 Report of misuse of marketing card.

Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 727.1144 Extent to which marketings from a farm are subject to penalty.

(a) Marketings of 1960 crop tobacco from a farm shall be subject to penalty by the percent excess determined as fol-

lows: Divide the acreage of tobacco harvested in 1960 in excess of the 1960 farm acreage allotment and not disposed of under § 727.1145 by the total acreage of tobacco harvested from the farm in 1960.

(b) Carryover tobacco shall not be subject to penalty.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the rate of penalty shown in § 727.1147 by the percent excess obtained under paragraph (a) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 727.1145 Disposition of excess tobacco.

The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any 1960 crop tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 727.1146 Identification of marketings; old crops.

Subject to paragraph (a) of this section, each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1960 marketing card (MQ-76—Tobacco or MQ-77—Tobacco) issued for the farm on which the tobacco was produced. In addition, as provided in paragraph (b) of this section, in the case of nonwarehouse sales, each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale). A separate memorandum from an excess marketing card marked "carryover" issued for the farm shall be executed with respect to each marketing of tobacco produced prior to 1960, and the words "old crop" will be entered by the field assistant or warehouseman on each memorandum executed covering a warehouse sale or by a buyer on each bill of nonwarehouse sale executed to cover a nonwarehouse sale, with respect to a marketing of tobacco produced prior to 1960.

(a) *Memorandum of sale and sale without marketing card.* (1) The word "scrap" shall be plainly written on any memorandum of sale or MQ-82, Tobacco, Sale Without Marketing Card, executed to cover scrap tobacco. If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ-82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ-82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized during the 1960-61 marketing year on MQ-78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) A tobacco dealer who buys tobacco direct from farmers, who resells such tobacco through a hogshead tobacco warehouse, and who keeps records showing the information specified in § 727.1154, and who has been authorized on MQ-78—Tobacco to issue memoranda of sale, may issue a memorandum of sale covering a purchase of such tobacco only if the bill of nonwarehouse sale has been executed. Such dealer may also execute MQ-82—Tobacco, where applicable, under the circumstances specified in this section.

(2) The authorization on MQ-78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 727.1130 to 727.1161. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) The word "scrap" shall be plainly written on any bill of nonwarehouse sale and memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person who is authorized to issue memoranda of sale.

(3) Each bill of nonwarehouse sale covering any marketing including scrap tobacco, except as described under paragraph (a) (1) (ii) of this section, shall be presented to a person who is authorized to issue a memorandum of sale and for recording in MQ-79—Tobacco.

§ 727.1147 Rate of penalty.

Marketings of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for Maryland tobacco for the 1959-60 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or

more, the last required decimal place shall be increased by "1".

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1959-60 marketing year was 61 cents per pound for Maryland tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1960-61 marketing year shall be 46 cents per pound for Maryland tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having tobacco available for marketing in excess of the farm marketing quota the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 727.1144.

§ 727.1148 Persons to pay penalty.

The person to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than (1) by sale at public auction through a warehouse, or (2) by sale through a hogshead tobacco warehouse to a buyer other than the warehouseman, in the regular course of business, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 727.1149 Penalties considered to be due from warehousemen, dealers, and other persons excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco:

(a) *Warehouse sale without memorandum of sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing, whichever comes first, shall be identified by an MQ-82—Tobacco, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The pen-

alty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which:

(1) Is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale); and,

(2) Is not also identified by a valid memorandum of sale and recorded in MQ-79—Tobacco not later than the end of the calendar week in which the tobacco was purchased; or,

(3) Where the tobacco is not to be resold through a hogshead tobacco warehouse, and is purchased prior to the opening of the local auction market, is not identified by a valid bill of nonwarehouse sale and by a valid memorandum of sale and recorded in MQ-79—Tobacco not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be presumed; subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman, which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Resales not reported.* Any resale of tobacco which under §§ 727.1130 through 727.1161 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 727.1130 through 727.1161 shall be considered to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State Administrative Officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to

rebuttal, to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

§ 727.1149a Producers penalties; false identification, failure to account, incorrectly determined acreages.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1960 in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 727.1152(d) which the State committee finds to be incomplete or incorrect or the failure to file such a report as required by said regulations, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Redetermined excess harvested acreage.* If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee redetermines that the harvested acreage for the farm was more than that shown by the prior determination, and if the harvested acreage may not be deemed to be within the farm acreage allotment pursuant to paragraph (d) of this section, any penalty due on the basis of the harvested acreage as redetermined pursuant to § 727.1135 shall be paid by the producer.

(c) *Canceled allotment.* If, after part or all of the tobacco produced on a farm has been marketed and the allotment therefor has been canceled under § 727.1152(f), any penalty due thereon shall be paid by such producer.

(d) *Erroneous notice of measured acreage.* If it is determined that the tobacco acreage on a farm is larger than the tobacco farm acreage allotment approved under § 727.1126 (24 F.R. 6899), such farm shall be deemed to have not exceeded its allotment if the county committee, with the approval of the State administrative officer, determines from the facts and circumstances that:

(1) The excess acreage was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage;

(2) Neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage prior to completion of marketing of tobacco from the farm;

(3) The incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the tobacco acreage for the farm;

(4) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(5) The extent of the error in the notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

§ 727.1150 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except in the case of false identification or failure to account for disposition in which case penalty shall be due on the date of such false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Commodity Stabilization Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Warehouse sale; net proceeds.* If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 727.1130 to 727.1161 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale, less usual warehouse charges), the amount of the net proceeds, accompanied by a copy of the warehouse bill covering such sale, may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonwarehouse sale; converted penalty rate.* Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 727.1151 Request for return of penalty.

Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 727.1130 to 727.1161 to be paid. Such request shall be filed on MQ-85—Tobacco with the ASC county office within two (2) years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee.

RECORDS AND REPORTS

§ 727.1152 Producer's records and reports.

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS-578, Report of Acreage, showing all fields of tobacco on the farm in 1960. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refused to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that

such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(b) *Report on marketing card.* The operator of each farm shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than October 1, 1961. At the time the marketing card is returned to the ASC county office, there shall be shown on each such card the quantity of tobacco on hand, if any, including the crop year produced and its location. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm unless disposition of all tobacco marketed from the farm is accounted for as provided in paragraph (d) of this section.

(c) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(d) *Report of production and disposition.* In addition to any other reports which may be required under §§ 727.1130 to 727.1161, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by certified mail from the State Administrative Officer within fifteen (15) days after deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary on Form MQ-108—Tobacco, a writ-

ten report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price and the date of the marketing and (5) complete details as to any tobacco disposed of other than by sale. Failure to file the MQ-108, as requested, the filing of a false MQ-108, or the filing of a MQ-108 which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced pursuant to applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided or acquiesced in the failure to furnish such proof.

(e) *Harvesting second tobacco crop from same acreage.* If in the calendar year 1960 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(f) *Cancellation of new farm allotment.* Any new farm allotment approved under §§ 727.1111 to 727.1127 (24 F.R. 6899) which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled as of the date the allotment was established.

§ 727.1153 Warehouseman's records and reports.

(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced

and the name of the seller in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition, with respect to each individual basket or lot of tobacco constituting the warehouse sale, the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) Each warehouseman shall keep such records as will enable him to furnish the ASC State office the total pounds and amounts of the debits (short baskets and short weights) and the credits (long baskets and long weights) to the Buyers Corrections Account as defined in § 727.1131(b). Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry), in a case of a dealer, on the Dealer's MQ-79 (Dealer's Record). If a warehouse maintains a daily summary of billouts, the balancing figure reflected thereon, if any, shall not be included in the Buyers Corrections Account.

(4) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) In the case of resales for dealers, the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register (or ledger account in case of a sale through a hogshead tobacco warehouse).* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the serial number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such

sale of tobacco (or on the ledger account in the case of a sale through a hogshead tobacco warehouse).

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a MQ-82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman or any other person who obtains possession of any scrap tobacco in the course of grading tobacco from any farm and any warehouseman who obtains possession of any scrap tobacco as a result of providing curing space or stripping space for farmers shall obtain a bill of nonwarehouse sale and a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended," write thereon the serial number of the suspended sale, and, if the warehouse is not a hogshead warehouse, record the bills on MQ-83—Tobacco, Field Assistant's Report: *Provided*, That, if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record, old crops.* Each warehouseman, other than a hogshead tobacco warehouseman, shall record on MQ-79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1960, the entry on MQ-79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales) (also including, in the case of a hogshead tobacco warehouseman, purchases at the hogshead tobacco warehouse by or for such warehouseman from producers).

(2) All purchases and resales, by or for the warehouse, of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco, as these terms are defined under § 727.1131.

MQ-79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, That if tobacco is purchased prior to the opening of the local auction market an MQ-79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week which includes the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ-79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office with the original copy of MQ-79—Tobacco.

(g) *Season report of warehouse business.* (1) Each warehouseman, other than a hogshead tobacco warehouseman, shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ-80—Tobacco, Auction Warehouse Report, showing:

(i) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased at auction and resold at auction on the warehouse floor.

(ii) The total pounds and gross amount of "loan tobacco" billed to any association.

(iii) The total pounds and gross amount of all leaf account purchases at auction on the warehouseman's own floor and the total pounds and gross amount of all leaf account resales at auction on the warehouseman's own floor including resales of tobacco from Buyers Corrections Account.

(iv) The total pounds and gross amount of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor; and such report of resales of floor sweepings shall not include leaf account tobacco as the terms floor sweepings and leaf account are defined under § 727.1131.

(v) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse.

(vi) The total pounds and gross amount of all purchases and resales of all leaf account tobacco at other warehouses and purchases from and resales to dealers.

(vii) The total pounds and gross amount of resales of floor sweepings which accumulated on the warehouseman's own floor and sold at other warehouses or to dealers, and such report of resales of floor sweepings shall not include leaf account tobacco, as the terms floor sweepings and leaf account are defined under § 727.1131.

(viii) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, or floor sweepings which accumulated on the warehouseman's own floor.

(ix) The sum of the debits and the sum of the credits, pounds and amounts, from the Buyers Corrections Account (§ 727.1153(a)(3)).

(x) A hogshead tobacco warehouseman, also, shall report all leaf account tobacco purchased or sold and all floor

sweepings sold, if any, through the warehouse.

(2) A hogshead tobacco warehouseman shall furnish the ASC State committee, not later than October 10, 1960, a report showing the producer's name (or the name of the dealer in the case of tobacco received from a dealer), hogshead number and pounds of tobacco in each hogshead received but which is on hand and unsold as of the close of business on September 30, 1960. Such report shall include tobacco produced prior to 1960 and tobacco produced in 1960 and all tobacco shall be identified as to the year in which it was produced.

(3) A hogshead tobacco warehouseman shall submit weekly reports, except as to tobacco excluded from the definition of "tobacco" by § 727.1113(t)(3) (each such report to be submitted not later than the end of the calendar week during which the transactions occurred), to the ASC State office including for each buyer who purchased tobacco (and any association to which any "loan" tobacco was consigned) through the warehouse during the week for which the report is submitted, a copy of the billout to the buyer (or association) together with the following:

(i) Name of farm operator (and name of seller if different from operator) for each sale of farm tobacco.

(ii) Farm serial number of the farm for each sale of farm tobacco.

(iii) Serial number of memorandum of sale or memorandum of sale without marketing card executed with respect to each sale of farm tobacco.

(iv) Date of sale (or date of consignment to loan association).

(v) Hogshead serial number.

(vi) Number of pounds of tobacco in the hogshead.

(vii) Designation as to whether the tobacco in the hogshead was produced in 1960 or in a year prior to 1960.

(viii) A memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced in 1960 and a memorandum of sale or a memorandum of sale without marketing card for each sale of farm tobacco produced prior to 1960.

(ix) A remittance of the penalty due as shown on all memoranda of sale and memoranda of sale without marketing card.

(x) Designation by the word "resale" and the name of the person reselling the tobacco entered on the billout for tobacco resold through the hogshead warehouse.

(h) *Report of penalties.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ-81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum of sale number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty, and (7) the amount of penalty due on each such sale. MQ-81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State

office not later than the end of the calendar week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman, other than a hogshead tobacco warehouseman, shall make reports on MQ-86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor:

- (1) The warehouse bill number.
- (2) The name on the warehouse bill.
- (3) The name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, or floor sweepings, as these terms are defined under § 727.1131.
- (4) The registration number and State of the person making the resale.
- (5) The number of pounds sold, and
- (6) The gross amount for the sale.

MQ-86—Tobacco shall be prepared for each sale day during which resales occur and such report forwarded to the ASC State office at the end of the sale day.

(j) *Field Assistant Report.* Each warehouseman, other than a hogshead tobacco warehouseman, shall keep such records that will enable him to report for each sale day on Form MQ-83—Tobacco, Field Assistant Report:

- (1) The warehouse gross sales for the day, pounds and amount, as billed to buyers and as shown on warehouse check register, if shown thereon, and
- (2) The total pounds and amount of leaf account tobacco purchased at auction on his own warehouse floor.

§ 727.1154 Dealer's records and reports.

Each dealer, except as provided in § 727.1155, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant (or the dealer, if the tobacco is to be marketed through a hogshead tobacco warehouse) shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ-79—Tobacco, which is issued to the dealer.

(b) *Record of marketings.* Each dealer shall keep such records as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

- (1) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a non-warehouse sale, including the records and reports for farm scrap tobacco set forth in § 727.1153 (a) (4) (5) and (c); and the name of the seller in the case of purchases directly from warehousemen or other dealers.

- (2) Date of purchase.
- (3) Number of pounds purchased.
- (4) Gross purchase price.
- (5) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and, with respect to each lot of tobacco sold by him, the following information:

- (6) Name of the warehouse through which the tobacco was sold in the case

of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

- (7) Date of sale.
- (8) Number of pounds sold.
- (9) Gross sale price.
- (10) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s).

(11) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1960, the fact that such tobacco was bought by him from a crop produced prior to 1960.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1960 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse, including farm scrap tobacco obtained as set forth in § 727.1153 (a) (4) (5) and (c). No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(d) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ-79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of a purchase or resale of tobacco bought from a crop produced prior to 1960, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1960. MQ-79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week in which tobacco was purchased or resold, including the original copy of any spoiled reports: *Provided*, That if tobacco is purchased prior to the opening of the local auction market an MQ-79—Tobacco shall be prepared and a copy forwarded to the ASC State office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ-79—Tobacco and on the memoranda of sale to be due shall be forwarded to the ASC State office with the original copy of MQ-79—Tobacco.

(e) *Report to warehousemen for Buyers Corrections Account of Tobacco Received.* Notwithstanding the provisions of § 727.1155, any dealer, buyer or any other person who acquires tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman an invoice or an adjustment invoice correctly setting forth the pounds and dollars for which he has not been invoiced or for which he has been invoiced incorrectly.

§ 727.1155 Dealers exempt from regular records and reports.

Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers

more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 727.1154: *Provided, however*, That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 727.1154 with respect to such purchases.

§ 727.1156 Records and reports of truckers and persons redrying, prizing or stemming tobacco.

(a) Each person operating as a common carrier or private carrier, who is engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers, shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

- (1) The name and address of the producers;
- (2) The date of receipt of the tobacco;
- (3) The number of pounds received; and
- (4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

- (1) The information required above for truckers, and in addition,
- (2) The purpose for which the tobacco was received,
- (3) The amount of advance made by him on the tobacco, and
- (4) The disposition of the tobacco.

§ 727.1157 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 727.1158 Failure to keep records and make reports or making false reports or records.

(a) *Misdemeanor provisions.* Any warehouseman, processor, dealer, trucker, or persons engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 727.1130 to 727.1161, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 727.1130 to 727.1161 within fifteen days after notice to him of such violation shall be subject to an

additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, processor, dealer or trucker, shall be given by the State administrative officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

(b) *Criminal law*. The penalties which may be imposed under paragraph (a) of this section are in addition to, and not exclusive of, any other remedies or penalties under existing law, including the provisions of U.S. Code, Title 18, sec. 371 relating to acts of conspiracy and U.S. Code, Title 18, sec. 1001 relating to acts of fraud.

§ 727.1159 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, trucker or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available, at one convenient place, for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division, Audit Division, and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, all such books, papers, records, basket tickets; floor sheets; buyer adjustment invoices, accounts, cancelled checks, check register, check stubs, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 727.1160 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under §§ 727.1130 to 727.1161 for the 1960-61 marketing year shall be kept by him until September 30, 1963. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 727.1161 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of §§ 727.1130 to 727.1161 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The record keeping and reporting requirements of these regulations (§§ 727.1130 to 727.1161) have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 15th day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8792; Filed, Sept. 20, 1960;
8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 346; Amdt. 34]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO-C49a, Electric Tachometer; Magnetic Drag

A proposed amendment to § 514.48 establishing minimum performance standards for electric tachometers used in civil aircraft of the United States was published in 25 F.R. 3423.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.48 is revised as follows:

§ 514.48 Electric tachometer: magnetic drag (for air carrier aircraft)—TSO-C49a.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for electric tachometers which specifically are required to be approved for use on civil aircraft of the United States. New models of electric tachometers manufactured for installation on civil aircraft on or after October 15, 1960, shall meet the standards set forth in SAE Aeronautical Standard AS-404B, "Electric Tachometer: Magnetic Drag (Indicator and Generator)," dated February 1, 1959¹ with exceptions, additions, and substitutions to the standards listed in subparagraph (2) of this paragraph.² Electric tachometers approved by the Administrator prior to October 15, 1960, may continue to be manufactured under the provisions of their original approval.

¹ Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

² When electric tachometers are installed on civil aircraft, the installation must comply with the functional and installation requirements of Parts 3, 4b, 6, or 7 of the Civil Air Regulations as applicable.

(2) *Exceptions*. (i) The following specifically numbered parts in AS-404B do not concern minimum performance and therefore are not essential to compliance with this section: Parts 3.1, 3.1.1, 3.1.2, 3.2, 3.2 (a) (b) (c) (d) (e) (f), 4.1.3.1, 4.1.3.2, 4.1.3.3, 4.1.3.4, and 4.1.3.5.

(ii) In lieu of part 7 in AS-404B, it is a requirement that tachometers covered by this section be capable of successfully passing the tests in parts 7.1 through 7.3.

(b) *Marking*. In addition to the markings specified in § 514.3, range and rating shall be shown.

(c) *Data requirements*. (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawing or photograph showing exploded view of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(d) *Quality control*. Each electric tachometer shall be produced under a quality control system, established by the manufacturer, which will assure that each tachometer is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date. October 15, 1960.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on September 15, 1960.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-8739; Filed, Sept. 20, 1960;
8:45 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order No. 224; Docket No. R-189]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Miscellaneous Amendments

SEPTEMBER 15, 1960.

This proceeding involves the amendment of Federal Power Commission

Forms Nos. 12, 12-A, and 12-D and the regulations prescribing those Forms. Forms Nos. 12, 12-A, and 12-D are prescribed by the following sections of the Commission's regulations under the Federal Power Act (with approved forms) which sections appear at Part 141—Statements and Reports (Schedules), Subchapter D—Approved Forms, Federal Power Act, Chapter I—Federal Power Commission, Title 18—Conservation of Power, Code of Federal Regulations: § 141.51, Form No. 12; Power system statements for Class I and II Systems and for Class IV and V Systems where requested; § 141.52, Form No. 12-A, Power system statements for Class III, IV, and V Systems; and § 141.55, Form No. 12-D, Power system statement for Class III Systems having annual energy requirements of less than 5,000,000 kwh and Class IV and V Systems where requested. These sections also appear on pages 111 through 113 of the Commission's pamphlet publication of its regulations under the Federal Power Act (with approved forms), as amended to November 1, 1959. These regulations and forms were last revised by the Commission's Order No. 183, issued January 24, 1956, Docket No. R-149 (21 F.R. 869, February 8, 1956).

Forms Nos. 12, 12-A, and 12-D solicit information on electric generating and transmission facilities, electric loads, classified uses of electric energy, and power and energy transactions with other electric utility systems. The purpose of the amendments involved herein is to clarify these forms, eliminate certain of the existing reporting requirements, modify an existing requirement for furnishing load data, and add a new requirement that manufacturers of equipment be identified.

General public notice of the herein-after ordered amendments was given by publication of notice of proposed rule-making in the FEDERAL REGISTER on July 1, 1960 (25 F.R. 6212) and by the mailing of copies of the notice of proposed rule-making to interested parties including State and Federal regulatory agencies. In giving notice of the proposed changes, the Commission invited all interested parties to submit data, views, or comments not later than August 1, 1960. All changes as proposed and relating to the Forms and Regulations involved herein were included in the general public notice, notwithstanding that most of them are not of such nature as would require prior notice pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003). This was done for convenience and uniformity.

A total of eleven letters were received in response to the above-mentioned public notice, all in relation to F.P.C. Form No. 12. Three of these were objections to the proposed new requirement that manufacturers of boilers, prime movers, generators, and transformers be included. The other eight letters consisted mainly of suggestions for clarifying certain reporting requirements and obtaining, in certain instances, more meaningful data. Two of these eight letters contained suggestions relating to schedules of Form No. 12 as to which no changes were proposed in the Notice

initiating this proceeding. One response suggested that more information relative to nuclear plants be required and another suggested that estimates be permitted in reporting certain load data. The above comments and suggestions have been considered by the Commission and, to the extent deemed meritorious, are reflected in the hereinafter ordered amendments.

The Commission finds: In view of the foregoing, and upon consideration of all relevant matters presented, it is necessary and appropriate for the purposes of administration of the Federal Power Act that the Commission's Forms Nos. 12, 12-A, and 12-D and the Commission's regulations under the Federal Power Act prescribing those Forms, as heretofore amended, be further amended in the manner as hereinafter provided.

The Commission, acting pursuant to authority granted by the Federal Power Act (41 Stat. 1063, as amended, 16 U.S.C. 791a-825r), and particularly sections 4(a), 301(a), 302(b), 303, 304, 309, and 311 (41 Stat. 1065, as amended, 49 Stat. 854, 855, 858, 859; 16 U.S.C. 797(a), 825(a), 825a(b), 825b, 825c, 825h, 825j), hereby orders that Forms Nos. 12, 12-A, and 12-D prescribed by §§ 141.51, 141.52, and 141.55 of the Commission's regulations under the Federal Power Act (18 CFR 141.51, 18 CFR, 141.52, and 18 CFR 141.55, respectively) and the regulations prescribing those Forms be amended, effective October 1, 1960, as follows:

(A) *Form No. 12 prescribed by § 141.51* of the Commission's regulations under the Federal Power Act (18 CFR 141.51) is amended as follows:

General Instructions. Change the first five lines under "Basis of Classification," Paragraph 5, to read:

Systems which generate all or part of system requirements and, whose net energy for system for the year covered by this statement was—
More than 100,000,000 kilowatt-hours.
20,000,000 to 100,000,000 kilowatt-hours.

Schedule 1. Change paragraph 1 of the instructions by adding at the end thereof the following sentence: "Nuclear plants should be included in the steam group, but it should be indicated in column 1 or in footnote that they are nuclear plants."

Renumber present paragraphs 8 through 16 of the instructions paragraphs 9 through 17, respectively, and add a new instruction 8 reading as follows: "8. Figures in column 4 should be based upon the rating at maximum pressure shown on nameplate for units with hydrogen cooling."

Change the present columnar heading over columns (4) and (5) to read: "Installed generating capacity in kw at end of year—manufacturer's maximum nameplate rating of generator."

Schedule 3. Change the instructions to read: "For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.) this schedule should be completed for each hydroelectric plant under 5,000 kilowatts, each steam-electric plant under 10,000 kilowatts, and each internal-combustion engine and gas-turbine plant under 2,500 kilowatts, installed capacity. Do not refer to previously reported data in reporting for every such fifth year."

For each of the intermediate years (1961-2-3-4, 1966-7-8-9, 1971-2-3-4, etc.) this schedule should be completed for each such plant as referred to in the preceding paragraph which was:

(a) Constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Altered during the year—i.e., generators or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19 , is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Change lines 2 and 17, page (9) and lines 2, 17, and 32, page (10) by adding at their respective beginnings "Maximum."

Change lines 3 and 18, page (9) and lines 3, 18, and 33, page (10), to read: "Maximum name-plate rating of generator in kilowatts."

Schedule 4. Change the instructions to read: "For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.) this entire schedule should be filled in completely for each hydroelectric plant of 5,000-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year."

For each of the intermediate years (1961-2-3-4, 1966-7-8-9, 1971-2-3-4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., water wheels, generators, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of changes during the year in dams, spillways, or other structures of the project, or in available storage at or above the site; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19 , is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Raise each of the footnote references on page (11) ("1," "2," "3," and "4.") by 1, and insert at the end of line 6, page (11), the footnote reference "1."

Insert as a subheading "Elevation" between lines 22 and 23 page (11), and change the numbers at the respective beginnings of lines 23 and 24 to "1" and "2," respectively.

Change footnote 2, page (11), by adding at the end thereof "and time of year," and renumber footnotes "2," "3," and "4" "3," "4," and "5," respectively.

Insert a new footnote to read as follows: "2. Should agree with sum of Columns 4 and 5, Schedule 1."

Insert immediately below line 36, page (12), "(g) Manufacturer."

Insert immediately below line 43, page (12), "(f) Manufacturer."

Change line 46, page (12), to read: "Type: If auto specify."

Schedule 5. Change the title to read: "Steam-Electric Including Nuclear Plant Data."

Change the instructions to read: "For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.) this entire schedule should be filled in completely for each steam-electric (including nuclear) plant of 10,000-kilowatt installed capacity or greater. Do not refer

RULES AND REGULATIONS

to previously reported data in reporting for every such fifth year.

For each of the intermediate years (1961-2-3-4, 1966-7-8-9, 1971-2-3-4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph.

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., generators, boiler units, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capacity was modified as a result of plant changes during the year; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Change each of the three footnote references on page (13) to "2."

Change line 5 to read as follows: "Total installed generator capacity—maximum name-plate ratings (including auxiliary units)—Kw: * * *"

Change line 16 to read: "Coal (Btu per pound)."

Change line 17 to read: "Oil (Btu per gallon)."

Change line 18 to read: "Gas (Btu per cubic foot)."

Change the title of section C to read: "C. Plant Net Capacity Under Specified Conditions."

Renumber footnote 1, page (13), as footnote 2 and insert a new footnote to read as follows: "1. Should agree with sum of Columns 4 and 5, Schedule 1."

Change section D, lines 25 through 45, including relevant sub-headings, to read:

Generator data:

Manufacturers maximum name-plate rating in kilowatts Hydrogen pressure—psi gage.

Manufacturers minimum name-plate rating in kilowatts Hydrogen pressure—psi gage.

Manufacturers name-plate—power factor.

Generator coolant—Air (A), Hydrogen (H), Liquid (L).

Generator voltage.

Generator phase and frequency.

Manufacturer.

Turbine data.

Turbine name-plate rating kw.

Single casing, tandem compound, cross compound, etc.

Operating speed—revolutions per minute.

Throttle pressure—psi gage.

Throttle temperature—degrees F.

Reheat temperature, if applicable—degrees F.

Exhaust pressure—psi gage or inches of mercury.

Full load steam rate in pounds per kilowatt-hour.

Full load heat rate in Btu per kilowatt-hour.

Manufacturer.

Year installed.¹

Turbine-Generator Data:

Maximum gross capability in kilowatts.

Hydrogen pressure—psi gage.

Insert immediately below line 50, page (14), at the left margin of the tabulation as an addition thereto the word "Manufacturer."

Change line 53, page (14), to read: "Type:

If auto specify."

Schedule 7. Change the instructions to read: "For 1960 and every fifth year thereafter (1960, 1965, 1970, etc.) this entire

schedule should be filled in completely for each internal-combustion engine plant and each gas-turbine plant of 2,500-kilowatt installed capacity or greater. Do not refer to previously reported data in reporting for every such fifth year.

"For each of the intermediate years (1961-2-3-4, 1966-7-8-9, 1971-2-3-4, etc.) this schedule should be filled in for each such plant as referred to in the preceding paragraph

(a) Which was constructed, purchased, or leased and placed in operation by the respondent during the year; or

(b) Which was altered during the year—i.e., engines, generators, or other equipment installed, remodeled, removed from service, or otherwise changed; or

(c) Whose capability was modified as a result of plant changes made during the year; or

(d) Which was not previously reported.

Enumerate those plants in which no changes occurred which affect any of the data last reported under this schedule and make the following notation for each: "Data for this plant last reported in F.P.C. Form No. 12, 19, is correct as of December 31 of the herein reported year." Make this reference to such last reported data only in reporting for the intermediate years. Use addendum sheets as necessary.

Raise the footnote reference "2" and "3" on page (15) by 1 and change line 6 to read as follows: "Total installed generating capacity—maximum name-plate ratings—Kw²..."

Insert immediately below line 21 at the left margin of the tabulation as an addition thereto "Manufacturer of generator."

Insert immediately below line 28 at the left margin of the tabulation as an addition thereto "Manufacturer of prime-mover."

Renumber footnotes "2" and "3" as "3" and "4", respectively, and insert a new footnote to read as follows: "2. Should agree with sum of Columns 4 and 5, Schedule 1."

Change line 31, page (16), to read: "Type: If auto specify."

Schedule 9. Change line 8 by inserting at the end thereof the following: "(Should agree with line 9, Schedule 10)."

Change line 9 to read as follows: "(line 7 minus line 8)."

Following Footnote 1 add as Footnote 2, the following: "2. Exclude company and interdepartmental deliveries; such deliveries should be included in Schedule 10."

Schedule 10. Change the present columnar heading at the top of column (1) to read: "Classification of Energy Delivered to Ultimate Consumers."

Change the present columnar heading at the top of column (2) to read: "Number of Customers at End of Year."

Renumber Footnote No. "1" No. "2" and add as Footnote No. 1 the following: "1. Include company and interdepartmental deliveries in proper use classification."

Schedule 14. Change the present columnar heading at the top of columns (15), (16), and (17) to read: "Report Minimum Hourly Load Experienced During the Month."

Change present Footnote 1 to read:

¹ Percent load factor =

$$\frac{\text{Net energy for load (Col. 9)} \times 100}{\text{Peak load (Col. 10)} \times \text{hours in month (or year)}}$$

Calculate the load factor to the nearest tenth of one percent. If hours used in calculating the load factor for a month differ from the calendar hours in that month, report the number of hours used in calculating the load factor.

Schedule 19. Change the title to read: "Load Estimates."

Delete the line immediately below the title, which line now reads: "A. Estimates of Future Power Requirements."

Change the years listed under Column (1), as "1959," "1960," "1961," and "1962," to read:

"1961," "1962," "1963," and "1964," respectively.

Omit entire subschedule B.

(B) Section 141.51(c) of the Commission's regulations under the Federal Power Act (18 CFR § 141.51(c)) (Pamphlet copy, Page 111) is hereby amended as follows:

Change "5. Steam electric plant data" to read: "5. Steam-electric including nuclear plant data."

Change "19. Load estimates and energy deliveries" to read: "19. Load estimates."

(C) Form No. 12-A prescribed by § 141.52 of the Commission's regulations under the Federal Power Act (18 CFR § 141.52) is hereby amended as follows:

General Instructions. Change the first four lines under "Basis of Classification," Paragraph 5, to read:

Systems which generate all or part of system requirements and, whose net energy for system for the year covered by this statement was—

More than 100,000,000 kilowatt-hours—
 20,000,000 to 100,000,000 kilowatt-hours—

Change Schedule 4 by inserting at the end of the instructions thereof the additional definition or clarification of use classifications shown below:

All Other—Energy delivered for ultimate consumption that does not fall within any of the specific classifications listed in this schedule. Included in this group should be deliveries for municipal water pumping; oil and gas pipe line pumping; military camps and bases; and public buildings such as schools, police stations, and post offices.

(D) Form No. 12-D prescribed by § 141.55 of the Commission's regulations under the Federal Power Act (18 CFR § 141.55) is hereby amended as follows:

Schedule 1. Redesignate the present part A as Schedule 4.

Redesignate the present part B as Schedule 3 and entitle the new Schedule 3 as follows: "Contemplated alterations, additions, or retirements in system generating plants."

Schedule 2. Redesignate this Schedule as Schedule 5.

Schedule 3. Redesignate this Schedule as Schedule 1.

Change Footnote 1 to read as follows: "Should equal total shown in schedule 5, column 4."

Change Footnote 2 to read as follows: "Should equal total shown in schedule 5, column 6."

Schedule 4. Redesignate this Schedule as Schedule 2.

Change item 11 to read as follows: "11. Net energy for system (from Schedule 1)"

Schedule 5. Redesignate this Schedule as Schedule 6.

(E) Section 141.55(c) of the Commission's regulations under the Federal Power Act (18 CFR § 141.55(c)) (Pamphlet copy, Page 113), is hereby amended as follows:

(c) This form contains the following list of schedules:

SCHEDULES

1. Generation, energy received and delivered, and system peak for the year.
2. Energy delivered to ultimate consumers.
3. Contemplated alterations, additions, or retirements in system generating plants.
4. Electric generating equipment owned or operated as of December 31.
5. Electric power received from or delivered to other systems.
6. Maps of electric system.

(F) All suggestions and comments received in response to the aforementioned general public notice, to the extent not reflected in paragraphs (A) through (E) above, are hereby rejected.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8745; Filed, Sept. 20, 1960;
8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-61]

MISCELLANEOUS RULES OF THE ROAD AMENDMENTS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on February 18, 1960 (25 F.R. 1440-1448), and Merchant Marine Council Public Hearing Agenda dated April 4, 1960 (CG-249), the Merchant Marine Council held a public hearing on April 4, 1960, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I through XII, inclusive, and Item IV contained miscellaneous proposals regarding Rules of the Road.

This document contains the regulations and actions taken with respect to the Rules of the Road in Item IV, which were considered at the April 4, 1960, Public Hearing and annual session of the Merchant Marine Council. It includes those actions taken with respect to the following proposals, which are hereby adopted as proposed or as revised:

1. Lights for dump scows. (Item IV, CG-249, p. 53.) Adopted as proposed.

NOTE: The regulation designated § 80.17 in Coast Guard Pamphlet "Rules of the Road—International—Inland," CG-169, will have the paragraphs redesignated at the next printing to agree with 33 CFR 80.17. The change to 33 CFR 80.17 (b) (10) in this document revises the next to the last undesignated paragraph in § 80.17 on page 49 of CG-169 (5-1-59).

2. Close-up and intermediate towing. (Item IV, CG-249, p. 54.) In line with comments received, 33 CFR Part 84 regarding towing of barges was revised and brought up-to-date.

3. Warning signals for vessels loading or unloading dangerous cargo in bulk. (Item IV, CG-249, p. 58.) In line with comments received, 33 CFR 80.37, 90.25, and 95.67 were revised.

NOTE: The requirements for vessels to display this warning signal when transferring elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, are in regulations designated 46 CFR 98.05-50(i), 98.10-45(g), 98.15-45(h), 98.20-70(g), and 98.25-90(g), which will be published in a separate Federal Register document CGFR 60-36, entitled "Miscellaneous Vessel Inspection Amendments."

In conjunction with the miscellaneous Rules of the Road amendments, as set forth in this document, the following general actions are also made:

a. Compliance with the revised requirements will be permitted on and after the date of publication of this document in the FEDERAL REGISTER.

b. The effective date for the mandatory compliance with the new requirements, as set forth in this document, shall be on and after January 1, 1961.

c. With respect to warning signals for vessels loading or unloading dangerous cargoes in bulk, i.e., elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, the vessels may display these signals before January 1, 1961, but such warning signals shall be displayed on and after January 1, 1961.

The actions taken with respect to a daytime distress signal intended for small vessels in Item IV were published in a separate document in the FEDERAL REGISTER on May 20, 1960 (25 F.R. 4451). The requirements for barges to display a warning signal when transferring elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia will be published in a separate Federal Register document CGFR 60-36, entitled "Miscellaneous Vessel Inspection Amendments."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-33, dated September 23, 1958 (23 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations and amendments are prescribed:

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 80—PILOT RULES FOR INLAND WATERS

Lights for Certain Classes of Vessels

Section 80.17 (b) (10), but not the proviso at the end thereof, is amended to read as follows:

§ 80.17 Lights for barges and canal boats in tow of steam vessels on the Hudson River and adjacent waters and Lake Champlain.

* * * * *

(b) * * *

(10) The red and green lights prescribed in this section shall be carried at a height at which they can readily be seen, the lights properly screened and so arranged as to show through an arc of the horizon of 10 points of the compass, that is, from right ahead to 2 points abaft the beam on either side and visible on a dark night with a clear atmosphere a distance of at least 2 miles.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157)

WARNING SIGNALS

Part 80 is amended by adding at the end thereof the above center heading and by adding a new § 80.38 reading as follows:

§ 80.38 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1 (a), 98.05-50(i), 98.10-45(g), 98.15-45(h), 98.20-70(g), 98.25-90(g), and 146.29-25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157)

PART 84—TOWING OF BARGES

1. Sections 84.1 to 84.5, inclusive, are canceled, effective January 1, 1961.

2. Effective January 1, 1961, Part 84 shall read as follows:

Sec.

84.01 Application.

84.05 Tows of seagoing barges within inland waters.

84.10 Hawser lengths for all tows on inland waters.

84.15 Hawser length exceptions.

84.20 Bunching of tows.

AUTHORITY: §§ 84.01 to 84.20 issued under sec. 2, 30 Stat. 102, as amended, and sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 157, 152.

§ 84.01 Application.

(a) The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

(b) Seagoing barges and their towing vessels shall be subject to the requirements in this part under the provisions of section 14 of the Act of May 28, 1908, as amended (sec. 14, 35 Stat. 428, as amended; 33 U.S.C. 152). Under the provisions of section 15 of the Act of May 28, 1908, as amended (sec. 15, 35 Stat. 429; 33 U.S.C. 153), the penalty for use of an unlawful towline shall be an action against the master of the towing vessel seeking the suspension or revocation of his license.

(c) Towing vessels with inland or seagoing barges shall be also subject to the requirements in this part as they are prescribed pursuant to the authority in Section 2 of the Act of June 7, 1897, as amended (sec. 2, 38 Stat. 381; 33 U.S.C. 157), providing for the establishment of " * * * such rules to be observed * * * by steam vessels in passing each other * * *."

§ 84.05 Tows of seagoing barges within inland waters.

(a) The tows of seagoing barges when navigating the inland waters of the United States shall be limited in length to five vessels, including the towing vessel or vessels.

§ 84.10 Hawser lengths for all tows on inland waters.

(a) Close-up towing is towing with a hawser length, between vessels, of less than 75 feet.

(b) Intermediate towing is towing with a hawser length, between vessels, of 75 feet or more.

(c) With the exception noted in § 84.15(b), the length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit.

§ 84.15 Hawser length exceptions.

(a) In any event the hawsers between vessels must be shortened to the prescribed length of not more than 450 feet (75 fathoms) when the tows with inland or seagoing barges are operating in the following named localities:

(1) The James River and Hampton Roads westward of Thimble Light.

(2) The Chesapeake Bay north of the Chesapeake Bay Bridge.

(3) New York Harbor north of West Bank Light and west of Fort Schuyler.

(4) Delaware Bay north of Elbow of Cross Ledge Light.

(5) Narragansett Bay north of Brenton Reef Lightship.

(6) Puget Sound south of West Point.

(b) In every other case where, in the opinion of the master of the towing vessel, it is dangerous or inadvisable, whether on account of the state of weather or sea or otherwise, to shorten the distance between vessels, the hawsers need not be shortened to the prescribed length.

§ 84.20 Bunching of tows.

(a) In all cases where tows can be bunched, it should be done.

(b) Tows navigating in the North and East Rivers of New York must be bunched above a line drawn between Robbins Reef Lighthouse and Owls Head, Brooklyn, but the quarantine anchorage and the north entrance to Ambrose Channel shall be avoided in the process of bunching tows.

(c) Tows must be bunched above the mouth of the Schuylkill River, Pa.

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

Warning Signals

Part 90 is amended by adding at the end thereof the above center heading

and by adding a new § 90.25 reading as follows:

§ 90.25 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.05-50(i), 98.10-45(g), 98.15-45(h), 98.20-70(g), 98.25-90(g), and 146.29-25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

(Sec. 3, 28 Stat. 649, as amended; 33 U.S.C. 243)

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

Towing of Barges

Part 95 is amended by inserting after § 95.37 the above center heading and by inserting a new § 95.38 reading as follows:

§ 95.38 Hawser lengths for all tows.

(a) Close-up towing is towing with a hawser length, between vessels, of less than 75 feet.

(b) Intermediate towing is towing with a hawser length, between vessels, of 75 feet or more.

(c) The length of hawsers, between vessels, shall be limited to no more than 450 feet (75 fathoms). This length shall be the distance measured from the stern of one vessel to the bow of the following vessel. The distance between two vessels should in all cases be as much shorter as the weather or sea will permit.

(R.S. 4233A, as amended; 33 U.S.C. 353)

WARNING SIGNALS

Part 95 is amended by adding at the end thereof the above center heading and by adding a new § 95.70 reading as follows:

§ 95.70 Warning signal displayed while transferring dangerous cargoes.

(a) *At a dock.* While fast to a dock, a vessel during the loading or unloading of hazardous or dangerous cargoes, such as explosives, combustible or inflammable liquids or gases, or certain chemicals in bulk, is required to display a red flag by day or a red light by night.

(b) *At anchor.* When at anchor, a vessel during the loading or unloading of such hazardous or dangerous cargoes

is required to display a red flag by day. (No special warning signal is displayed at night.)

NOTE: The regulations in 46 CFR 35.30-1(a), 98.05-50(i), 98.10-45(g), 98.15-45(h), 98.20-70(g), 98.25-90(g), and 146.29-25(o) require vessels to display warning signals when loading or unloading bulk cargoes of inflammable or combustible liquids or gases, elemental phosphorus in water, sulfuric acid, hydrochloric acid, liquid chlorine, or anhydrous ammonia, or military explosives.

(R.S. 4233A, as amended; 33 U.S.C. 353)

Dated: September 14, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-8773; Filed, Sept. 20, 1960; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 602—COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Symbol of Identification for State Employment Services

On page 7800 of the FEDERAL REGISTER of August 16, 1960, there was published a notice of a proposed amendment to paragraph (a) of 20 CFR 602.12 which provides for the substitution of a uniform symbol for use on official signs, stationery, and documents identifying the cooperating state employment service with the national system of employment offices in lieu of the present requirement of a literal expression of affiliation with the United States Employment Service.

Interested persons were given 15 days in which to file written statements of data, views, or arguments with respect to the proposed amendment. In view of the fact that no written statements have been filed, the proposed amendment is adopted and shall become effective on October 24, 1960.

Signed at Washington, D.C., this 15th day of September 1960.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

§ 602.12 Organization.

(a) *Official identification.* The official name of the statewide system of public employment offices and the name on all official signs, stationery, and documents used in connection with the statewide system of public employment offices shall be "State Employment Service". To associate the State Employment Service and its local offices with the nationwide public employment service system in each instance where this name appears on official signs, stationery, and

documents, there shall also appear (in appropriate size) the following symbol of identification:

PUBLIC EMPLOYMENT SERVICE



SERVICE FOR EVERYONE
LOCAL • STATE • NATIONAL

[F.R. Doc. 60-8754; Filed, Sept. 20, 1960;
8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 25—FOURTH CLASS

PART 29—MIXED CLASSES

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

PART 44—CONDITIONS OF DELIVERY

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Section 15.4 *Plant quarantines* is amended for the purpose of clarification to read as follows:

§ 15.4 Plant quarantines.

(a) *Nursery shipments*—(1) *Nursery stock, etc.* Nursery stock, including all field grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender.

(2) *Preparation and packaging.* The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of

packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of plants without weakening the box. The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projections, the wrapper shall be puncture-proof to avoid injury to postal employees handling such bundles.

(b) *Plant quarantine applying to the continental United States.* When any State or area is quarantined by order of the Secretary of Agriculture, under authority of the Plant Quarantine Act, or by an authorized State plant pest official cooperating with the Secretary of Agriculture, on account of a plant disease or insect infestation, the mailing of plants, plant products, or other articles covered by such quarantine or regulatory order from such State or area into or through any State or area is subject to the restrictions imposed by such order.

Cross Reference: For quarantine regulations of the U.S. Department of Agriculture, see 7 CFR Chapter III.

(c) *Terminal inspection for plants and plant products*—(1) *State and Territories requiring inspection.* See 7 CFR Chapter III for places of inspection in States which require packages containing plants and plant products to be examined by State inspectors. The packages must be plainly marked on the outside to show the exact nature of their contents.

(2) *Addressee must pay additional postage.* The addressee must pay postage to send the package to the inspection place and must arrange with the State plant inspector to pay postage to return the the package to the office of address after inspection.

(3) *Packages addressed in care of State plant inspector.* Packages may be addressed in care of a State plant inspector at a place other than where the addressee lives. The addressee must arrange for the inspector to pay postage to forward the package to the addressee after inspection. If the sender prints "Forwarding Postage Guaranteed" under the return address, the package may be forwarded by the inspector without prepayment of postage, and the amount due will be collected from the addressee when the package is delivered.

(4) *Disposition of infected shipments.* When the inspector finds that plants or plant products are infested or infected with injurious insects or diseases and are incapable of satisfactory treatment, or they are found to have been moved in violation of a plant quarantine law or regulation of the U.S. Department of Agriculture or of the State of destination pertaining to such injurious pests, parcels will be returned to the sender and payment of postage for return collected on delivery. If the sender has marked the parcel to be abandoned, if unde-

livered, the package will be turned over to State authorities for destruction.

NOTE: The corresponding Postal Manual section is 125.4.

(R.S. 161, as amended, 396, as amended, sec. 24, 20 Stat. 361, 5 U.S.C. 22, 369, 39 U.S.C. 250)

§ 17.1 [Amendment]

II. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, as amended by Federal Register document 60-1081, 25 F.R. 905-908, and by Federal Register document 60-3783, 25 F.R. 3711-3712, make the following changes:

A. Delete Military APO numbers 208, 828, 1000 and their accompanying data; and amend Military APO number 116 to read as follows:

116.....	-----	X	-----	2 X	5 X	3, 4 X
----------	-------	---	-------	-----	-----	--------

B. Under the column headed "Military APO numbers", APO numbers 133, 224, 254, 289, 294, 324, 329, 338, and 380 are amended by striking out the reference therein to footnote "5" and inserting in lieu thereof a reference to footnote "11".

C. Insert in proper numerical order the following Military APO numbers with their accompanying data:

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited*	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 30 pounds	Customs declaration on Form 2956 or 2976-A required
2.....	-----	-----	-----	2 X	-----	-----
50.....	-----	-----	-----	2 X	-----	-----
67.....	-----	-----	-----	2 X	-----	-----
131.....	-----	X	-----	2 X	-----	3 X
191.....	-----	X	X	2 X	-----	-----
192.....	-----	X	-----	2 X	-----	-----
195.....	-----	X	X	2 X	-----	-----
377.....	-----	X	-----	2 X	5 X	3, 4 X
402.....	-----	X	-----	2 X	-----	-----
460.....	-----	-----	-----	2 X	-----	-----
612.....	-----	-----	-----	2 X	-----	-----

D. Amend footnotes 5 and 9 to read as follows:

*Parcels except those sent as registered mail may not exceed 42 inches in length or 72 inches in length and girth combined.

*Air parcels may not exceed dimensions shown in footnote 11.

E. Add a new footnote 11 to read as follows:

"Parcels may not exceed the following dimensions:

Length	Not over
42 inches.....	72 inches length and girth combined.
Over 42 inches to 44 inches.....	24 inches girth.
Over 44 to 46 inches.....	20 inches girth.
Over 46 to 48 inches.....	16 inches girth.
Maximum length 48 inches.	

NOTE: The corresponding Postal Manual section is 127.1. (R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

III. In Part 25—Fourth Class—make the following changes for the purpose of

RULES AND REGULATIONS

clarification; and to include changes required by Public Law 86-644, approved July 14, 1960 (74 Stat. 479), which clarified and made uniform certain provisions of law relating to special postage rates for educational, cultural, and library materials.

A. In § 25.1 *Rates*, amend paragraphs (c) and (d) to read as follows:

§ 25.1 *Rates.*(c) *Educational materials.*

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters); printed music; printed objective test materials; sound recordings; manuscripts for books, periodical articles and music; and printed educational reference charts, permanently processed for preservation. (See § 25.2(a)(4))	Cents 9	Cents 5

(d) *Library materials.*

Kind of mail (rate restricted to mailings by or to certain organizations)	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; 16-millimeter films, filmstrips, transparencies and slides, microfilms, and scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. (See § 25.2(a)(5))	Cents 4	Cents 1

NOTE: The corresponding Postal Manual sections are 135.13 and 135.14.

§ 25.2 [Amendment]

B. In § 25.2 *Classification*, as amended by Federal Register document 60-3783, 25 F.R. 3711-3712, make the following changes in paragraph (a).

1. In subparagraph (4) amend subdivision (v) and add a new subdivision (vii) to read as follows:

(4) * * *

(v) Sound recordings

* * * * *

(vii) Printed educational reference charts, permanently processed for preservation.

NOTE: The corresponding Postal Manual sections are 135.214 e and g.

2. Amend subparagraph (5) to read as follows:

(5) The rates in § 25.1(d) are for:

(i) The following items when loaned or exchanged between schools, colleges, or universities and public libraries, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively proc-

essed by libraries; or when sent on loan or exchange between those libraries, organizations, or associations and their members, readers, or borrowers:

(a) Books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books.

(b) Printed music, whether in bound form or in sheet form.

(c) Bound volumes of academic theses in typewritten or duplicated form.

(d) Periodicals.

(e) Sound recordings.

(f) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(ii) The following items when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations:

(a) 16-millimeter films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(b) Sound recordings.

(c) Scientific or mathematical kits, instruments, or other devices.

(d) Catalogs of the materials in clauses (a), (b) and (c) of paragraph (a) (5) (ii) of this section having 24 or more pages, at least 22 of which are printed, and guides of scripts prepared solely for use with such materials.

NOTE: The corresponding Postal Manual section is 135.215.

C. Amend § 25.5 *Written additions* and § 25.6 *Enclosures* to read as follows:

§ 25.5 *Written additions.*

(a) *Required.* (1) The return address of the sender must be shown on all fourth-class mail.

(2) Parcels containing baby poultry, live plants, trees, shrubs, agricultural commodities, books, and Braille-writers and other appliances for the blind, mailed at a first-class post office addressed for delivery at another first-class post office, and that exceed the weight limits in § 25.3 (a) (1) or a size limit of 72 inches in length and girth combined, must be marked to show the type of contents. If contents are readily identifiable by outward examination, no marking is required.

(3) Catalogs mailed at the rates in § 25.1(b) must be marked "Catalogs".

(4) The wrapper or cover on articles mailed at the rates in § 25.1(c) must be marked "Educational Materials".

(5) The wrapper or cover on articles mailed at the rates in § 25.1(d) must be marked "Library Materials".

(6) Marks specified in § 11.5 of this chapter to show nature of contents or service desired must be added.

(b) *Permissible.* The following written additions, which may be placed on the cover, tag, or label attached to the parcel, or on an article within the parcel, are permitted for all fourth-class mail. (Sufficient space must be provided on the address side for address, return address, postage, and postal endorsements.)

(1) Marks, numbers, name, or letters descriptive of contents.

(2) "Please do not open until Christmas, Merry Christmas, Happy Birthday, with Best Wishes" and similar inscriptions.

§ 25.6 *Enclosures.*

(a) *Permissible in all fourth-class.* An invoice or similar document for descriptive purposes only, enclosed, or placed in an envelope (marked "Invoice Enclosed") attached to the outside, showing any or all of the following:

(1) Name and address of sender and addressee.

(2) Names and quantities of articles enclosed.

(3) Description of articles enclosed; including price, tax, style, stock number, size and quality; and if defective, nature of defect.

(4) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(5) Initials or name of packer or checker.

(b) *Catalogs.* Catalogs mailed at the rates in § 25.1(b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(c) *Educational and library materials.* (1) *Books.* In addition to an invoice (see paragraph (a) of this section), the following may be enclosed with books mailed at the rates in § 25.1(c):

(i) Reply envelope or post card, single order form, and a printed circular.

(ii) Incidental announcements of books, appearing in book pages or as loose circulars.

(2) *All other materials.* Enclosures are not permitted as provided in paragraph (a) of this section.

NOTE: The corresponding Postal Manual sections are 135.5 and 135.6.

(R.S. 161, as amended, 396, as amended, 3879, as amended, sec. 1, 25 Stat. 1, as amended, sec. 204, 62 Stat. 1262, as amended, sec. 1, 65 Stat. 610, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 240, 240a, 249, 292a)

IV. In § 29.3 *Mailing enclosures of different classes*, subparagraph (1) of paragraph (b) is amended to clarify the conditions under which first-class enclosures may be mailed with third- and fourth-class articles. As so amended, subparagraph (1) reads as follows:

§ 29.3 *Enclosures.*

(b) *Enclosures mailed with third- and fourth-class parcels.* (1) *First-class enclosures.* Letters may be enclosed with books, catalogs, and merchandise mailed at third-class rates. (See § 29.2 for mailing letters with other third-class matter.) Letters may be enclosed in fourth-class parcels. Postage at the first-class rate must be paid for each letter.

NOTE: The corresponding Postal Manual section is 139.321.

(R.S. 161, as amended, 396, as amended, sec. 1, 62 Stat. 784; 5 U.S.C. 22, 369, 18 U.S.C. 1723)

§ 31.5 [Amendment]

V. In § 31.5 *Exchanges of stamps* make the following changes:

A. Paragraph (c) is amended to permit the redemption of postage stamps added to stamped envelopes in order to meet a rate increase or for additional service; and to permit the redemption of postage stamps affixed to commercial envelopes, post cards, and unused precanceled stamps under certain conditions. As so amended, paragraph (c) reads as follows:

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps, may be exchanged for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

(2) Unmutilated air-letter sheets, for 90 percent of postage value.

(3) Unmutilated postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(4) Sheet postal cards, spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

(5) Stamps affixed to commercial envelopes and post cards for 90 percent of postage value. The envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

(6) Unused precanceled stamps in full coils or in full sheets from precancel permit holders, for 90 percent of postage value. Stamped envelopes or air-letter sheets with a printed return address, and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210, "Interim Receipt for Stamp Stock Submitted for Redemption", for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

NOTE: The corresponding Postal Manual section is 141.53.

B. Paragraph (d) is amended for the purpose of clarification, and to remove certain restrictions on the exchange of postage stamps from the public. As so amended, paragraph (d) reads as follows:

(d) *Nonexchangeable.* The following are nonexchangeable:

(1) Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and post cards.

(2) Stamps cut from postal cards, stamped envelopes, or air-letter sheets.

(3) Parts and pieces of postal cards.

(4) Postal cards treated by a coating process.

(5) Mutilated and defaced stamps.

NOTE: The corresponding Postal Manual section is 141.54.

(R.S. 161, as amended, 396, as amended, 3914, 3915, as amended, 3916, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 351, 354, 356)

VI. In Part 44—Conditions of Delivery, make the following changes:

A. In § 44.1 *Delivery to persons*, paragraph (a) is amended to include regulations regarding the refusal of mail by addressee; and by adding a new paragraph (g) to include regulations with respect to ordinary mail bearing the word "Personal". As so amended, paragraph (a) and new paragraph (g) read as follows:

§ 44.1 *Delivery to persons.*

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. After delivery he may mark a piece of mail "Refused" and return it unopened to the mails, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

(g) Ordinary mail bearing the word "Personal" is delivered in the same way as other mail for the addressee.

NOTE: The corresponding Postal Manual sections are 154.11 and 154.17.

B. § 44.2 *Delivery of addressee's mail to another* is amended for the purpose of clarification; and to include detailed regulations regarding conditions under which mail is delivered to mail receiving agencies. As so amended, § 44.2 reads as follows:

§ 44.2 *Delivery of addressee's mail to another.*

(a) *Delivery to addressee's agent.* (1) Unless otherwise directed, an addressee's mail may be delivered to his employee or a member of his family. A person or a number of persons may designate another to receive their mail. Designation of another person to receive mail should be in writing, but no special form is furnished or required.

(2) When mail is to be delivered to a mail receiving agency, an application on Form 1583, "Application for Delivery of Mail Through Agent", must be signed by the agent and the addressee, and the form must be filed with the postmaster. A duplicate copy of completed Form 1583 must be kept on file by the agency. Arrangements for disposition of mail must be made with the agency by the addressee. When forwarded by the agency, the mail is subject to payment of new postage.

(b) *Addressed mail to minors.* A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

(c) *Addressed mail to incompetents.* Where a person has been legally declared an incompetent, his mail may be delivered in accordance with the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

(d) *Mail addressed to deceased persons.* Mail addressed to deceased persons may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed to by all the heirs.

NOTE: The corresponding Postal Manual section is 154.2.

C. In § 44.7 *Conflicting orders by two or more parties for delivery* of same mail, paragraph (b) is amended by striking out "Solicitor" where it appears therein and inserting in lieu thereof "General Counsel". As so amended, paragraph (b) reads as follows:

§ 44.7 *Conflicting orders by two or more parties for delivery of same mail.*

(b) *Reference to General Counsel for ruling.* Where the disputing parties are unable to select a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the postmaster will submit the case to the Office of the General Counsel for a ruling.

NOTE: The corresponding Postal Manual section is 157.72.

(R.S. 161, as amended, 396, as amended; 5 U.S.C. 22, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-8788; Filed, Sept. 20, 1960;
8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2202]

[Washington 03207]

WASHINGTON

Opening Lands From Withdrawals for Power Purposes

1. In an order of April 11, 1957, the Geological Survey canceled Power Site Classification No. 373 of December 8, 1944, so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 39 N., R. 32 E.,
Sec. 2, NW ¼ SW ¼;

Sec. 3, lot 3;
 Sec. 13, lot 1.
 T. 40 N., R. 32 E.,
 Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 22, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 34, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 39 N., R. 33 E.,
 Sec. 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 40 N., R. 34 E.,
 Sec. 3, lot 6;
 Sec. 4, lot 3;
 Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, lots 5 and 8;
 Sec. 20, lots 12, 13, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, lots 1, 4, 5, 8, and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 39 N., R. 36 E.,
 Sec. 1, part lot 4 (outside M.S. 1161).
 T. 40 N., R. 36 E.,
 Sec. 3, lot 6;
 Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 15, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 39 N., R. 37 E.,
 Sec. 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Aggregating 1,162 acres.

2. The cancellation action above referred to was taken pursuant to determination DA-148-Washington, of the Federal Power Commission issued March 18, 1957. In that order the Commission also determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

T. 39 N., R. 32 E.,
 Sec. 1, lots 3 and 6;
 Sec. 2, lots 4 and 8;
 Sec. 3, lot 1;
 Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
 T. 40 N., R. 32 E.,
 Sec. 10, lot 3;
 Sec. 21, lot 1;
 Sec. 22, lots 3 and 4;
 Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 39 N., R. 33 E.,
 Sec. 7, lots 3 and 4;
 Sec. 12, lot 6.
 T. 39 N., R. 34 E.,
 Sec. 6, lots 2, 3, 6, and 7.
 T. 38 N., R. 36 E.,
 Sec. 1, lot 1.
 T. 39 N., R. 36 E.,
 Sec. 2, lot 1, that part lying outside of M.S. 1161 and 1059;
 Sec. 26, lot 6.
 T. 40 N., R. 36 E.,
 Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 15, lots 4, 5, and 6;
 Sec. 22, lots 2, 3, and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 23, lot 1;
 Sec. 27, lots 2, 3, 6, and 7;
 Sec. 34, lot 2;
 Sec. 35, lot 11.
 T. 38 N., R. 37 E.,
 Sec. 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 17, lot 6.

Aggregating 1,337.85 acres.

3. Some of the lands are within the Colville National Forest, and a few are reserved for reclamation purposes.

4. Subject to any existing valid rights and the requirements of applicable law, the lands, other than those in reclamation withdrawals, are hereby opened to filing applications, selections and locations in accordance with the following (the national forest lands being opened to such forms of the disposition as may

by law be made of national forest lands), and the lands described in paragraph 2 being opened subject to the provisions of section 24 of the Federal Power Act:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Until 10:00 a.m. on March 18, 1961, the State of Washington shall have a preferred right of application to select the lands in accordance with and subject to the provisions of subsection (c) of section 2 of the act of August 27, 1953 (72 Stat. 928; 43 U.S.C. 851). During this period the State may also apply for the reservation to it or to any of its political subdivisions of any of the lands required for rights-of-way or materials sites in accordance with provisions of section 24 of the Federal Power Act of June 10, 1920 (62 Stat. 275; 16 U.S.C. 813), as amended.

(2) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(3) All valid applications and selections under the nonmineral public land laws presented prior to 10:00 a.m. on October 21, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws, and to mining locations pursuant to the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Persons claiming preference rights must submit evidence of their entitlement.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED G. AANDAHL,

Assistant Secretary of the Interior.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8752; Filed, Sept. 20, 1960;
 8:46 a.m.]

[Public Land Order 2203]

[66604]

ALASKA

Order Opening Lands Under Section 24 of the Federal Power Act; Project No. 119; Power Site Classification No. 409

1. In DA-60, DA-61, and DA-62, Alaska, the Federal Power Commission determined that the value of the following-described lands, withdrawn in Pro-

ject No. 119 and Power Site Classification No. 409, would not be injured or destroyed for power development purposes by entry, location or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act, as amended, and as to those lands lying between mean low-water stage in Kenai Lake and an elevation 6 feet above said mean low-water stage, to the further stipulation that the United States, its permittees or licensees shall not be liable for any damages to improvements or structures placed thereon resulting from the construction, operation or maintenance of any power project works authorized by the United States:

KENAI PENINSULA

CHUGACH NATIONAL FOREST

a. Project No. 119:

All lands around Kenai Lake and along Kenai River to the mouth of Russian River, between mean low-water stage in said lake and river and an elevation 6 feet above said mean low-water stage;

All lands within one fourth mile of the center line of that section of Kenai River between the mouth of Russian River and a proposed dam site located about 3 miles above Skilak Lake, as shown on a map entitled "Map Accompanying Application of Frank L. Ballaine for Preliminary Permit for Water Power Project on Kenai River and Kenai Lake" (F.P.C. No. 119-1).

Containing approximately 2,000 acres.

b. Power Site Classification No. 409:

KENAI RIVER

CHUGACH NATIONAL FOREST

All lands within $\frac{1}{4}$ mile of Kenai River from the mouth of Russian River upstream to the present bridge across Kenai River at Coopers Landing. This bridge is located at latitude 60°29' N., longitude 149°50' W., approximately.

Containing 1,760 acres.

2. On April 24, 1934, Project No. 119 affecting the following-described lands:

KENAI PENINSULA

CHUGACH NATIONAL FOREST

All lands within $\frac{1}{4}$ mile of Upper Kenai Lake and

All lands within $\frac{1}{4}$ mile of that portion of Kenai River between Upper Kenai Lake and Skilak Lake,

was vacated by the Federal Power Commission, excepting, however, the lands described in paragraph 1a hereof.

3. By virtue of the authority vested in the Secretary of the Interior by section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, the lands are hereby opened, subject to valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a.m. on December 16, 1960, subject to the provisions of section 24 of the Act of June 10, 1920, supra, and the stipulation recited in paragraph 1 of this order. Applications presented prior to the time specified will be considered as simultaneously filed at that hour. Applications filed thereafter will be considered in the order of filing.

4. Until 10:00 a.m. on December 16, 1960, the State of Alaska shall have a preferred right of application for the reservation to the State or any political subdivision thereof, under any statute

or regulation applicable thereto, of any lands required as a right-of-way for a public highway or as a source of materials for the construction and maintenance of such highways, pursuant to section 24 of the Federal Power Act of June 10, 1920, *supra*.

5. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1960.

[F.R. Doc. 60-8753; Filed, Sept. 20, 1960;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12285; FCC 60-1089]

PART 3—RADIO BROADCAST SERVICES

Option Time and the Station's Right to Reject Network Programs

Introduction. 1. The Commission has under consideration its notice of proposed rule making (FCC 59-385) issued in this proceeding on April 23, 1959, proposing to amend § 3.658 (d) and (e) of the Commission's rules and regulations to: (1) Reduce from 3 to 2½ the number of hours within each segment of the broadcast day which a television broadcast station may option for network program; (a) make option time applicable, with certain exceptions, to "straddle" programs; (3) change the period of advance notice required before the option may be exercised; (4) broaden the station's right to reject network programs already contracted for which the station reasonably believes to be unsatisfactory or unsuitable; and (5) broaden the station's right to substitute for a network program a program it considers to be of greater local or national importance. While the Notice of Proposed Rule Making applied specifically to television, parties filing comments were requested to direct their attention to the need for or advisability of issuing a similar Notice of Proposed Rule Making with respect to option time in radio.

2. The rules concerning option time and the right of stations to reject network programs were adopted for radio in 1941 at the close of the Commission's Chain Broadcasting Investigation. The option time rules, in their present form, and the other Chain Broadcasting Regulations were upheld by the Supreme Court in 1943 in *National Broadcasting Company v. United States*, 319 U.S. 190 (1943). They were made applicable to television by Commission action in November 1945.

3. By Public Law 112, 84th Congress, 1st session, the Commission was authorized and directed to conduct a study of radio and television network broadcasting. The study was formally instituted by the Commission's Delegation Order No. 10 of July 20, 1955 (FCC 55-810)

which delegated to a Network Study Committee of four Commissioners the Commission's powers and jurisdiction to carry out the study. The purpose and objectives of the study were announced by the Network Study Committee in Public Notice (FCC 55M-977) and separate Order of November 21, 1955 (FCC 55M-978). A special Network Study Staff was organized to conduct the study.

4. On October 3, 1957, the Director of the Commission's Network Study Staff submitted to the Network Study Committee a Report on Network Broadcasting. The Report contained, among other matters, a study of the option time arrangements of the television networks operated by the American Broadcasting Company, Columbia Broadcasting System, and National Broadcasting Company, and of the right of affiliated stations to reject network programs under these arrangements. The Report recommended that option time be prohibited in television broadcasting as contrary to the public interest. On January 9, 1958, the Commission issued a Notice of Public Hearing (FCC 58-37) in Docket No. 12285, in the matter of the Study of Radio and Television Network Broadcasting. A public hearing was held before the Commission en banc, commencing on March 3, 1958, for the purpose of affording interested parties an opportunity to comment on the findings, recommendations, and conclusions contained in the Report on Network Broadcasting. Through this procedure, the Commission has had the benefit of the views of interested persons and organizations in its consideration of the need for a revision of its rules and policies in the broadcast field.

5. Subsequent to the completion of oral testimony in the hearing, the Commission made findings from the record with respect to option time practices in television. On the basis of those findings, the Commission concluded that optioning of time by affiliated television stations to their networks is reasonably necessary to the successful conduct of television network operations and is in the public interest. A procedure had earlier, on April 24, 1958, been agreed upon between the Commission and the Antitrust Division of the Department of Justice in which the views of the Attorney General on the antitrust aspects would be furnished on the basis of findings to be provided by the Commission. Pursuant to these arrangements, the findings were referred to the Department of Justice on January 14, 1959.¹ By letter of February 27, 1959,² Victor B. Hansen, then Assistant Attorney General in charge of the Antitrust Division, informed the Commission that in his opinion option time "runs afoul" of the Sherman Antitrust Act. The Commission's findings and the views of the Assistant Attorney General have been incorporated into the public record in Docket No. 12285.

6. In reaching its ultimate judgments that optioning of time by affiliates to their networks is reasonably necessary

for successful network operations and in the public interest, the Commission was relying upon its underlying conviction, based on the record of hearing in Docket No. 12285 and on the findings transmitted to the Antitrust Division, that the national networks have made invaluable contributions in the development of our system of television broadcasting and that networking is necessary to the continued growth and expansion of the service. But the hearing record from which these ultimate conclusions flow also persuade that the developing complex of option time practices in television warrant re-inquiry directed to the adequacy of the safeguards designed to be built into option time and the other rules limiting network-affiliate arrangements. Accordingly, the Commission released on April 23, 1959, its Notice of Proposed Rule Making in the subject proceeding proposing, while maintaining the essential features of the option time practice, to amend § 3.658 (d) and (e) in order to improve the competitive position of non-network groups and to broaden the individual station's freedom of program selection under its affiliation contract.

7. Los Angeles television Station KTIV would have the Commission ban the option time practice, and its comments and reply comments in this proceeding press the contention that this result is inevitably required by the views of the Antitrust Division of the Justice Department on the restraining influences of option time. The Commission is, of course, cognizant of the anti-trust implications of this complex issue. However, as was held by the United States Supreme Court in the case of *United States v. RCA*, 358 U.S. 334, the Communications Act was not intended to nor did it give to the Commission any authority or power to decide or pass upon anti-trust issues as such. Since the Commission after extensive public hearings has concluded that option time is reasonably necessary to successful network operations and in the public interest, it is loathe to strike down a practice of such longstanding in the broadcast industry in the absence of a judicial determination as to its validity or invalidity under the anti-trust laws. And so, having found in the area of its own expertise that option time is in the public interest, the Commission is bound in this proceeding to consider the modification of its rules limiting the practice in order to encourage the larger and more effective use of television. The views here expressed are in no way intended to be a determination on the issue of legality of the option practice under the anti-trust laws. In this instance, the action taken herein cannot bind other agencies directly concerned with the adjudication of anti-trust questions nor frustrate a subsequent determination by a court of competent jurisdiction on the relationship of the anti-trust laws to option time. *United States v. RCA* 358 U.S. 334 (1959).

8. Comments in this proceeding have been filed by American Broadcasting Company (ABC); CBS Television Network, a Division of Columbia Broadcasting System, Inc. (CBS); CBS Radio, a

¹ 18 Pike & Fischer, R.R. 1809.

² 18 Pike & Fischer, R.R. 1802.

Division of Columbia Broadcasting System, Inc. (CBS Radio); National Broadcasting Company, Inc. (NBC); the Select Committee of ABC-TV Affiliates (ABC Affiliates); the Special Committee of NBC Television Affiliates (NBC Affiliates); the CBS Television Affiliates' Special Committee (CBS Affiliates); the Station Representatives Association (SRA); National Telefilm Associates, Inc. (NTA); Westinghouse Broadcasting Company, Inc. (Westinghouse); Mutual Broadcasting System, Inc. (Mutual); KTTV, Inc., the licensee of television broadcasting station KTTV, Los Angeles, California (KTTV); Chronicle Publishing Company, licensee of television broadcasting station KRON-TV, San Francisco, California (Chronicle); WBEN, Inc., licensee of Stations WBEN-AM, FM, and TV, Buffalo, New York (WBEN); and WCSC, Inc., licensee of television broadcasting station WCSC-TV, Charleston, South Carolina (WCSC). Reply comments were filed by ABC, CBS, NBC, ABC Affiliates, CBS Affiliates, NBC Affiliates, SRA, NTA, and KTTV.

Proposed amendments; Television. 9. We turn next to consider the specific amendments to the Chain Broadcasting Regulations proposed in the Notice of Proposed Rule Making. These proposed amendments were an outgrowth of our Findings with respect to the option time practice in the television field. In those Findings the Commission reached the conclusion that option time is reasonably necessary for successful television network operations and is in the public interest. In reaching that conclusion, however, we recognized that option time results in placing certain limitations on the freedom of affiliated stations to choose the programs which they will carry and, in certain respects, puts non-network television interests— independent program producers, national spot representatives and non-network advertisers—at a disadvantage in competing with the networks for access to prime viewing time on affiliated stations.³ Our objective in this proceeding is to modify the option time rules so as to increase the freedom of affiliated stations in the program field and the competitive opportunities of non-network interests, while at the same time preserving the essential features of option time which we have found to be necessary to preserve the television network system.

10. The Commission has fully and carefully reviewed the Report on Network Broadcasting, the public hearings held in Docket No. 12285 and the comments which have been filed in this proceeding. It is our conclusion that the proposed amendments, with the exception of that pertaining to "straddle" programs, would accomplish the stated objectives of the Commission and would serve the public interest. With respect to "straddle" programs we have determined that the public interest would be served by adoption of an alternative proposal which is discussed below.

³ Our findings also indicated that in other respects option time has produced substantial benefits for all elements of the television industry (both network and non-network) and the viewing public.

11. The Commission recognizes that certain adverse effects to network operation may be involved in adopting these amendments. However, we are of the opinion that the amendments, considered individually or cumulatively, will not pose any serious threat to continued successful network operations and will make a significant affirmative contribution to the affiliates' freedom of program selection and the competitive opportunities available to non-network elements in the television field. On balance, therefore, we conclude that the public interest will be served by adoption of these amendments. The Commission will, of course, continue to study the operations of the television networks and the impact of our rules on those operations, and will be prepared to take any further actions that may be necessary or desirable in the public interest. Each of the specific proposals to amend the rules will be discussed in turn.

Number of hours of option time. 12. Section 3.658(d) of our rules now provides in part that "No license shall be granted to a television broadcast station which options for network programs * * * more time than a total of 3 hours within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a.m. to 1 p.m.; 1 p.m. to 6 p.m.; 6 p.m. to 11 p.m.; 11 p.m. to 8 a.m." The Commission proposed an amendment to reduce from 3 to 2½ the total number of hours within each segment of the broadcast day which a station may option for network programs.⁴ Under the proposal an affiliated station could, as at present, accept any additional network programs offered wholly outside of the hours designated as option time, but could not option such time periods for network programs.

13. None of the parties, filing comments supported the Commission's specific proposal to reduce the number of hours which a television station can option for network programs. However, SRA, Westinghouse and NTA each offered a proposal of its own for amendment of the option time rule.

14. Those opposing the proposal rely heavily on the Commission's own Findings with respect to option time. They point to the Commission's conclusion that option time "is reasonably necessary for successful network operations and is in the public interest". It is contended that the same reasons that led to this conclusion also require the conclusion that reducing the number of hours will result in seriously threatening successful network operations, with consequent adverse effects on the quantity and quality of program service furnished to affiliated stations and received by the public.

15. It is argued that the Commission's Findings indicate that abolition of option time would lead to "checkerboarding"

⁴ The three national television networks all presently have the maximum number of option hours during the morning, afternoon and evening segments; none of them has option time during the 11 p.m. to 8 a.m. segment. In practice, therefore, the reduction would result in a decrease of one-half hour in each of three segments, or a total of 1½ hours per day.

and "erosion" of network service, and that reduction of option time will produce the same results, pro tanto. Option time, which enables the networks to assure advertisers of national distribution of programs at the time desired, is allegedly necessary to permit network television to compete effectively against other national advertising media. Moreover, if the networks as a result of inability to secure necessary clearances, were unable to sell the time periods which were cut out of option time,⁵ they might not, it is contended, program in those time periods. If they did not, the affiliated stations and the public would be deprived of that portion of the network service. This would allegedly have particular impact on smaller stations which are most dependent on network service and do not have the resources to provide substitute programming. Affiliates would also suffer to the extent that they would be deprived of valuable adjacencies to the network programs.

16. It is also argued that the proposal would have an adverse effect on the entire network service. Failure to sell the time periods dropped from option time would involve serious loss of revenue to the networks.⁶ As a result, the networks would allegedly have to cut program costs by avoiding risk-taking on expensive programs and curtailing nonincome producing public service programming. They might also have to reduce payments to affiliates, which would not, it is argued, assist the affiliates in developing good local programs.

17. While some of the opponents of the proposal concede that it would result in giving stations more latitude in programming and non-network interests greater access to prime television time, they contend that the risks to network operations would be too great. Moreover, it is argued that the programs available to affiliates to substitute for lost network service might not be of the same caliber as network programs. It is also contended that film syndicators are not concerned with overall program service, but only in selling individual programs, and that they will not provide any re-

⁵ ABC contends that it is more vulnerable in this connection than the other networks. CBS and NBC primary affiliates reach 98% of the television homes in the country, while ABC primary affiliates reach only 86%. It is therefore alleged that failure of a few affiliates to clear for a network program would be more damaging to ABC than to the other networks.

⁶ CBS and NBC estimate that failure to sell one-half hour each evening for a year would cost each of them some \$9.2 million in revenue a year. CBS further estimates it would cost a similar amount if it lost sponsors for two half-hour daytime periods each day for a year. If CBS provided sustaining programs for all of these time periods, it would cost the network an estimated \$10 million more at the least. ABC estimates a loss of gross profit before taxes up to \$4.5 million if it were unable to sell one-half hour each evening for a year, in addition to losses in the daytime periods involved and the decreased value of other network programs due to "lack of audience flow". If it were unable to sell all of the half-hour time periods involved, ABC states that it could mean its network would operate at a loss instead of a profit.

placement for network public service programs which may be lost. The argument is also made that there is no basis for assuming that option time has caused a dearth of high quality film for syndication, or that the situation will be improved by curtailing option time. In this connection, the Commission is urged to await the outcome of its current television program study,⁷ before reaching any determination with respect to option time.

18. The Commission's Findings on option time set forth in detail the reasons for our conclusion that the option time practice is reasonably necessary for successful network operations and is in the public interest. We made clear, however, that that conclusion "does not necessarily mean that all of the features of the present option time arrangements are necessary to network operations". The Findings also indicate the various ways in which option time has benefited not only the network organizations, but also affiliated stations, national spot representatives, independent program producers and, most importantly, the viewing public. Here again, however, our Findings recognized that option time also places limitations on the affiliated stations' freedom of program choice, and results in distinct competitive advantages for the networks as compared to other segments of the broadcast industry. In proposing to curtail the amount of time which an affiliated station may option to networks we sought a means to expand both the freedom of program choice of affiliated stations and the competitive opportunities of non-network elements in the industry, while at the same time not endangering television network operations which have made so significant a contribution to the public interest.

19. The Commission is fully cognizant of the importance of this proposal and has given it careful and detailed consideration. However, while recognizing the different views that have been offered, we are of the opinion that adoption of the proposal will make an affirmative contribution to the freedom of television station licensees and to the competitive opportunities available to non-network groups. We further believe that the proposal, while it may result in some curtailment of network revenues, will not endanger continued successful television network operation. On balance, therefore, we have concluded that adoption of the proposal would serve the public interest.

20. The Commission fully appreciates the fact that the proposed reduction in option time may affect station clearances of network programs. In those time periods no longer subject to network option, a certain amount of the "checkerboarding" and consequent "erosion" of network service described in our Findings (Par. 78) can be expected to occur. However, in view of the demonstrated ability of the networks to program successfully on a commercial basis in at least some non-option time periods, we cannot assume that the networks will

be unable to sell all of the time periods dropped from option time. Moreover, under the amended rule, the networks will continue to be in a position to obtain options from affiliates for one-half (2½ hours) of each of the three significant time segments of the broadcast day.⁸

21. We strongly adhere to our findings that option time is the keystone of network operations (Findings, Par. 76) and that the public interest would be diserved by actions which would run the risk of undermining or destroying network broadcasting. (Findings, Par. 73.) The total elimination of option time would involve not only the risk, but the likelihood, of destroying or undermining the network system. However, our action in reducing the total number of hours that stations may option can in no way be equated with the total elimination of option time. The networks will retain five-sixths of the option time previously available, as well as opportunity and ability to compete for additional time for their programs on affiliated stations. Under these circumstances, while there is risk that the networks may suffer some losses in revenue, it would be unrealistic to conclude that our action will result in any real risk of destroying or undermining network broadcasting or seriously impairing the quality of the programs offered by the networks.

22. To the extent that some risk to network operations may be involved, it must be balanced against the need for licensee freedom of program choice and for competitive opportunities for non-network segments of the broadcast industry. Where, as here, licensee freedom and competitive opportunities can be increased with minimal risk to network operations, the public interest calls for adoption of the proposed rule.

23. *NTA proposals.* NTA supports the stated purposes of the Commission's proposal, but contends that merely providing more station time is not enough. Option time is allegedly the key to all television time, enabling the networks to build up an entire program schedule which stations will accept both during and outside of option time. It is contended that in order to provide effective competition for the networks, option time must be made available to independent program producers. If option time is made available to the independents, they will have assured access to prime viewing time, and it is alleged that the quality of their programs will improve. NTA therefore urges adoption of a rule which would prohibit a station from (1) optioning more than three hours within each segment of the broadcast day, or (2) optioning more than 2½ hours within each segment to any one program source, or (3) optioning time to any one program source in such an amount that the total amount of time optioned to that source by all stations in the same community would exceed 2½ hours. In the event the Commission does not adopt its proposal, NTA requests that the matter be scheduled for hearing or for oral argument.

⁸ None of the networks has contracted for any option time hours in the 11 p.m. to 8 a.m. time segment.

24. None of the other parties supported the NTA proposal. Those opposing the proposal state that independent program producers are not now barred from obtaining options from television stations. They point out, however, that only the individual station can grant an option, and that it will do so only for value received. In this connection, it is noted that independent program producers do not now get options even in markets with four or more television facilities. It is also argued that independents are not entitled to options, since they do not provide the same services for stations as do the networks. It is claimed that to achieve NTA's purposes, both the networks and independent program producers would have to have exclusive options and require program clearances, whereas under the Commission's existing rules option time cannot be applied in favor of one network against another network. This would allegedly remove existing protections for inter-network competition and the growth of new networks. It is also contended that the proposal would amount to rationing time on stations which would foreclose competition. Moreover, a question is raised as to the administration of the NTA proposed rule—it would apply to the individual stations, but they would not be in a position to know the total time optioned to any one program source by all stations in their community.

25. We believe that the public interest will not be served by adoption of the proposal advanced by NTA. NTA purportedly seeks a rule which would provide independent program sources (including new networks and non-network organizations), with the opportunity to obtain options for one-half hour in each segment of the broadcast day. This would be accomplished by allowing stations to continue to option three hours in each segment but, in effect, excluding the existing three networks from access to one-half hour of that time in each segment. To the extent that this proposal is designed to assist non-network program sources in obtaining option time, it is apparently based on a misconception concerning the Commission's regulations governing option time. The Commission did not create option time, and our regulations do not and cannot give options to anyone. Rather they impose certain strict limitations on the right of station licensees to option time to network organizations. They do not restrict in any way the optioning of time to non-network program sources. Thus, the NTA proposal would, in fact, place a limit on the amount of time stations may option to non-network program sources where no limit now exists. In the absence of such options, and with no apparent likelihood of their being given since independent program suppliers do not offer the variety of programs and services offered by the networks, we find no reason at this time to impose a limit on the amount of time that may be optioned to non-network program sources, or to otherwise regulate such practices. If non-network program sources succeed in securing options from stations, consideration will then be given to whether

⁷ Docket No. 12782, Study of Radio and Television Broadcasting.

the public interest requires that this practice be regulated and, if so, in what manner.

26. The proposal is also apparently designed to aid new networks in obtaining option time. However, new networks are not now barred from obtaining option time. On the contrary, § 3.658(d) of our rules is specifically designed to foster the development of new networks as well as inter-network competition. Thus, that section provides, in part, that "options may not be exclusive as against other network organizations and may not hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations". NTA, on the other hand, apparently contemplates options which would be exclusive as against other networks. We believe that the public interest in this regard would be better served by retaining our present provision barring exclusivity as against other networks rather than by substituting a Commission-imposed system of rationing option time which would foreclose inter-network competition.

27. We are, moreover, denying NTA's request for a hearing or an oral argument on its proposal. In addition to submitting comments and reply comments in the instant proceeding, NTA and all other interested parties orally presented their views on option time in the hearings before the Commission en banc in Docket No. 12285. Since all parties have had full opportunity, both orally and in writing, to present their views, further oral proceedings would serve no useful purpose and would unduly prolong the administrative process.

28. *SRA and Westinghouse proposals.* SRA is of the opinion that three hours of option time is fair, but does not object to cutting one half-hour, if, in the Commission's judgment, that is in the public interest. In either event, however, SRA contends that independent program sources need some countervailing provision to give them a competitive opportunity to develop programs for showing during prime viewing hours. The answer to this need, according to SRA, is to require any station which options time to a network to provide in its contract for "Station Reserved Time".⁹ The latter would consist of at least 60 minutes (either consecutive or divided into two 30-minute periods) during each segment of the broadcast day for six days of the week which would be unavailable for any commercial network programs. Exception would be made for live network commercial programs of national importance involving educational, cultural or public affairs, special events or sporting events which, because of their length necessarily run into Station Reserved Time, and which it would be in the public interest for stations to broadcast as a unit or at the time that the events take place. While advocating this proposal for all markets, SRA asserts that if it were shown that the public interest would be adversely affected by such a reservation in markets with fewer

than three stations, the Commission could provide for 30 minutes of Station Reserved Time in two-station markets and no such time in one-station markets.

29. Westinghouse strongly supports the retention of three hours of option time as necessary for network operation. It contends that independent program sources have sufficient time available to them if the networks are kept out of non-option time. To accomplish this purpose, Westinghouse proposes that stations be prohibited from broadcasting regularly scheduled network commercial programs outside of option time. Exceptions would be made for programs of public significance or national importance, political broadcasts pursuant to section 315 of the Communications Act, and live programs of important events where the networks do not control the timing and where the public interest would be served by the programs being broadcast as a unit or at the time the events take place.

30. None of the other parties supported either the SRA or Westinghouse proposal. Opponents of the proposal argue that, stations are under no obligation to accept network programs outside of option time and, insofar as the SRA proposal is concerned, most stations allegedly now carry each week more than six hours of non-network programs in each segment of the broadcast day. It is emphasized that these proposals would constitute a restriction on the freedom of licensees by foreclosing their use of network programs during certain time periods. It is alleged that small stations would be hurt most by such foreclosure, since they depend heavily on network programs and cannot afford good programs from other sources. ABC also maintains that under the Westinghouse proposal it would be unable to get stations in two-station markets to accept its programs in addition to those of their basic networks.

31. The SRA and Westinghouse proposals both seek to guarantee access by non-network interests to prime television viewing time by restricting the right of individual stations to carry network programs outside the time periods optioned to the networks. Under these proposals, however, this access would be gained by restricting, rather than broadening the freedom of program choice of the individual television station licensee, and by insulating non-network groups from network competition. While we are concerned with improving the opportunities for non-network groups to have access to prime time, we believe the public interest would be ill-served by achieving such access by curbing both licensee freedom and competition. In contrast, the reduction being ordered in the total amount of time which stations may option to networks will serve the public interest by substantially increasing the competitive opportunities for non-network groups to gain access to prime viewing time, and, by the same token, broadening the freedom of station licensees to choose among alternative program sources.

Straddle programs. 32. The Chain Broadcasting Rules are now silent with

respect to "straddle" programs.¹⁰ In its Notice of Proposed Rule Making the Commission proposed the addition of a note to § 3.658(d) of its rules to indicate that, in determining the number of hours of option time, straddle programs shall be considered as falling entirely within option time. The proposal is intended to prevent straddle programs from having the effect of extending network programming into non-option time periods.

33. SRA supports the straddle program proposal. Westinghouse points out the proposal would be unnecessary if the Commission adopted its suggestion to prohibit stations from broadcasting network commercial programs outside of option time. In the event that suggestion is not adopted, Westinghouse favors the straddle proposal. The ABC affiliates and the CBS affiliates favor the straddle proposal provided that the number of hours of option time is not reduced. ABC, CBS, NBC and the NBC Affiliates oppose the proposal and urge that straddle programs be considered to be entirely outside of option time. WBEN, WCSC-TV and Chronicle also oppose the straddle proposal.

34. Those favoring the proposal indicate that straddle programs can be used to extend network programming into non-option time. Thus, an affiliate offered a straddle program must take the entire program¹¹ or be deprived of a network program for that portion of the time which falls within the usual option hours. It is argued that even if the entire straddle program is not covered by the option,¹² the station would still be precluded from selling the time normally within option hours on a non-network basis, since the network could drop the straddle program and preempt the time. Under the proposal, an affiliate would not have to leave unsold a period normally in option time in order to sell a non-option time period on a non-network basis. An affiliate could accept all network orders in option time and still be free to sell all adjacent time periods on a non-network basis. It is suggested, however, that the proposal not apply to non-repetitive "spectaculars" and dramatic shows, or to programs which are divisible.

35. Opponents of the proposal contend that the reasons in support set forth in the Notice are not sound. Moreover it is argued that the proposal would result either in barring straddle programs, which would interfere with the networks' judgement concerning program scheduling and deprive the public of the benefits flowing from existing flexibility, or would require wholesale revisions of

¹⁰ A "straddle" program is one which originates during the hours agreed upon by the network and station as option time and extends into non-option time, or which begins during non-option time and extends into the hours agreed upon as option time.

¹¹ In most instances it is difficult, if not impossible, for an affiliate to divide a straddle program into segments and accept only that portion falling within option time.

¹² ABC and CBS now consider that the option does not apply to any part of a straddle program, while NBC considers that it does apply to that portion of the program falling within option time.

⁹ SRA previously advanced this proposal at the hearings in Docket No. 12285.

option hour provisions in affiliation contracts, which would be extremely complicated and might result in affiliates having different option hours and consequent "checkerboarding." If, on the other hand, the option hours could be changed automatically when a straddle program is offered by a general contract provision, then the time dropped from option hours would still be considered as option time and would therefore not result in any increased program flexibility for affiliates. Moreover, it is suggested that such a general provision might run counter to the existing prohibition in Note 2 to § 3.658(d) against "roving" options. The proposal could allegedly be misused to extend option hours, with the network lining up a complete schedule of programs in the normal option hours, then offering a straddle program and dropping from option hours a time period already cleared for a network program. It is also argued, however, that the network might have to remove from option time a program already contracted for and reoffer it to affiliates on a non-option time basis, which might jeopardize clearances. ABC further contends that in markets where it has a secondary affiliation, the offering of a straddle program by another network could deprive ABC of option time.

36. As we indicated in our Notice of Rule Making, the Commission is concerned that the practical effect of straddle programs is to extend network programming into non-option (station) time periods. This appears clearly to be the result under NBC's present practice, i.e., that the network's option applies to that portion of the straddle program which falls within option time, but not to the portion outside of option time. Since such programs are usually not divisible, the network's option requires, in effect, that the affiliate accept the entire program. ABC and CBS now regard straddle programs as being entirely outside option time, and therefore their affiliates are under no obligation to accept such programs. However, if an affiliate rejects a straddle program, it has no network program for a time period normally in option time. Moreover, the station is faced with difficulty in selling on a non-network basis that portion of the time period which normally falls in option time since the network can drop the straddle program and preempt the time period on 56 days notice. If an affiliate accepts the straddle program, the freedom to program a non-option time period on a non-network basis is foreclosed.

37. The proposed amendment to the rules would attempt to prevent straddle programs from extending network programs into non-option time by considering such programs as falling entirely within option time. Thus, if an affiliate optioned to a network the maximum amount of time permitted in a particular time segment and the network offers a straddle program that extends one-half hour into station time, the station would have to agree with the network to drop from option time a half-hour within the same time segment before the affiliate could carry the straddle program. (If

the option hours agreed to were 8:00 p.m. to 10:30 p.m.,³² and the network offered a program from 10:00 p.m. to 11:00 p.m., all of the latter period would become option time, and one-half hour—e.g., 8:00 p.m. to 8:30 p.m.—would have to be dropped from option time.)

38. After careful consideration, the Commission has concluded that its proposal is unlikely to achieve the desired results. Under the proposal, an affiliate desiring to accept a straddle program would have to agree to drop from option time another half-hour in the same time segment. However, the time period dropped would still be in "traditional" option time during which the affiliate would expect to carry a network program and, in most instances, would already be carrying a network program. It is unlikely that the affiliate would drop the network program which it has already accepted in order to try to sell the time on a non-network basis. This would be particularly true if a single straddle program, not part of a regular series, is involved. In addition, the affiliate may have difficulty in selling the time on a non-network basis, since it may once again become option time and be subject to preemption if the network drops the straddle program.³⁴

39. We, therefore, believe the proposed amendment would offer little in the way of additional freedom of choice to affiliated stations. Moreover, the proposal could itself operate as a vehicle for extending option time. Thus, if option time were 8:00 p.m. to 10:30 p.m. and the network secured full clearance for its programs from 8:00 p.m. to 10:00 p.m., it might then offer a straddle program from 10:00 p.m. to 11:00 p.m., and drop 8:00 p.m. to 8:30 p.m. from option time. Since affiliates would have already accepted the network's program for the 8:00 p.m. to 8:30 p.m. time period, dropping that period from option time would, as a practical matter, add little to an affiliate's freedom to make programming choices. At the same time the network's option would effectively be extended to the entire 10:00 p.m. to 11:00 p.m. time period.

40. The proposed amendment would also result in administrative complications. Thus, every time an individual straddle program or series were offered, the network would have to amend every one of its affiliation agreements and each affiliate would have to file such an amendment with the Commission.³⁵ If

³² Under the amendment we are adopting today, the maximum permissible amount of option time in any one segment will be 2½ hours.

³⁴ This difficulty would, however, be lessened by virtue of the revised notice requirements we are adopting herein.

³⁵ Some parties have interpreted the proposal as permitting a general clause in affiliating contracts which would have the effect of automatically changing option hours whenever a straddle program is offered. However, the use of such a general clause was not contemplated by the proposal, since it would result in the networks being able to change option hours at will without the specific consent of affiliates, and would therefore constitute, in effect, a "roving" option which is prohibited by Note 2 to § 3.658(d) of the rules.

we were persuaded that this procedure would further the public interest, the attendant administrative inconveniences might be justified. Where, however, the benefits appear doubtful, the administrative burdens merely reinforce our conclusion that the proposed amendment should not be adopted.

41. In lieu of the proposal contained in our Notice, the Commission is adding a provision to § 3.658(d) of the rules to state that no part of a straddle program shall be considered as falling within option time. Standing alone, such a rule would likely offer little assistance in providing affiliates with more freedom of choice in handling straddle programs. However, as indicated below, the Commission is also adopting the proposal which provides more flexibility in the length of notice required before a network can exercise its option. As a result of both of these amendments, an affiliate will not only be free of any contractual obligation to accept a straddle program (the network's option will not apply), but will also be in a position to sell to a non-network sponsor that portion of the time period normally covered by the network's option with the assurance of being able to fulfill at least a minimum term contract.

Length of notice. 42. Section 3.658 (d) of the rules now provides, in part, that "No license will be granted to a television broadcast station which options for network programs any time subject to call on less than 56 days' notice . . .". Under the proposed amendment the required period of advance notice would vary from a minimum of four weeks to a maximum of 17 weeks. The proposal is designed to provide more flexibility so as to permit a station to fulfill a normal minimum contract (13 weeks) for a non-network program then being broadcast or scheduled to be broadcast within four weeks of the time a network seeks to exercise its option.³⁶ It would also permit a network to exercise its option on less notice (4 weeks) than is now required where the station does not have a firm contract for a non-network program in the time period. The ABC and CBS Affiliates, SRA, Westinghouse and Chronicle support the proposal,³⁷ while CBS and NBC state that they do not oppose it. ABC, NBC Affiliates, WBEN and WCSC oppose the proposal.³⁸

43. Proponents of the proposal maintain that it will increase the ability of affiliates to sell on a non-network basis option time periods for which they are not currently ordered for a network program, since it would enable them to assure non-network sponsors that a minimum-time contract could be fulfilled. It is maintained that the proposal would not constitute an unreasonable burden on the networks, and that affiliates could still voluntarily accept network programs on less notice than that specified in the proposed rule. CBS and NBC take the

³⁶ The CBS Affiliates, however, are in favor of keeping the minimum notice required at 56 days.

³⁷ If the proposal is adopted, NBC Affiliates favor retention of the 56-day minimum notice period.

position that no need exists for the proposed change, and that it might impair the network's ability to plan their program schedules. They further state that checkerboarding might result due to inability to get clearances on stations by a set date. Nevertheless, CBS and NBC do not oppose adoption of the proposal.

44. Those opposing the proposal allege that it will not achieve significant benefits, and would result in problems. Giving all stations 17 weeks notice would allegedly cause undue complications in obtaining clearances, while a staggered notice period might result in failure to obtain a full network lineup for the start of a program, and might entirely prevent the broadcasting of a single special program. The networks would allegedly have to keep track of all non-network contracts entered into by their affiliates for programs in option time. It is also contended that disputes might arise as to what constitutes a "firm contract" for a non-network program.

45. The Commission is of the opinion that the proposed amendment concerning length of notice would be in the public interest and should be adopted with certain editorial changes. At the present time non-network programs being carried in option time are subject to preemption by a network on 56 days notice if the network has a sponsored program which it is offering in the time period. Our findings recognize that this right of preemption tends to discourage stations and non-network advertisers from placing non-network programs in option time periods, even though some of those periods are not currently occupied by network programs. As a result, independent program producers are also inhibited in selling their programs on a spot basis for broadcast during option hours. (Findings, pars. 57, 67.) By permitting affiliated stations to make firm commitments to non-network sponsors for at least the normal minimum contract period, the amendment should make a realistic contribution to the ability of the individual affiliated stations to have access to non-network advertising revenue and program sources during option time periods when the station is not carrying a network program. At the same time, it should provide increased opportunity for non-network advertisers and independent program producers to have access to prime time on affiliated stations.

46. In addition, the amendment will enable the networks to exercise their options on less notice than is now required (28 instead of 56 days) in situations where the station does not have a contract with a non-network advertiser for the time period in question. We recognize that the need of affiliates to make orderly program plans requires a reasonable period of notice whenever a network seeks to exercise an option. However, where non-network contract commitments are not involved, the 28-day minimum notice period we are adopting would appear to be adequate.

47. The arguments advanced fail to convince us that any serious interference with network operations will result from adoption of the proposal. Networks

now regularly offer programs on less than the 56 days notice specified in the rules. There is no evidence that the networks have experienced difficulties when less than the specified notice has been given, despite the fact that there is no assurance that all affiliates will clear for the program by the starting date, since they have the right to delay their clearance for the full 56 days. Under the proposed amendment affiliates will retain the right voluntarily to accept programs on less notice than is specified in the rule. While the flexible provisions of the proposed rule require some adjustments in present network practices, we find no basis for concluding that they will cause any undue complications or pose any threat to successful network operation.

48. It has been suggested that some question may arise as to whether an affiliate has a "firm" contract for a non-network program which would entitle it to a longer period of notice under the proposed rule. To avoid the problem, we have revised the proposal to cover only written contracts.

Right to reject programs. 49. Under the present provision of § 3.658(a), a station may not enter an agreement or understanding which prevents it from rejecting or refusing a program offered pursuant to a network contract which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest. When a station has already contracted for a network program, the agreement with the network may not prevent it from rejecting or refusing the program as contrary to the public interest. The present rule, however, permits a station to enter into an agreement with a network which would preclude the station from rejecting or refusing a program already contracted for, even though the station reasonably believes the program to be unsatisfactory or unsuitable. In this proceeding the Commission proposed to amend the rule to insure that affiliates have the same rejection rights with respect to programs already contracted for as it has with respect to programs offered.

50. The ABC and NBC Affiliates, Westinghouse and SRA support the proposed amendment. They maintain that stations already exercise the rights proposed to be included in the rules and that there have been no difficulties. However, they believe it would be helpful and appropriate to incorporate these rights into the rules. They point out the difficulties that may arise in determining in advance whether particular programs in a series already contracted for will prove to be unsatisfactory or unsuitable. Moreover, it is argued that there is no need to clarify the meaning of the proposed language to insure that affiliates will not reject programs arbitrarily since the proposed language is already used in the section and its meaning is understood.

51. ABC favors the proposed amendment, if it is clarified, while CBS and NBC indicate that they do not oppose its adoption, if it is clarified. They contend that there are no objective standards in the proposal, and that stations may abuse the right granted and reject pro-

grams for reasons unrelated to the public interest. Uncertainty in this regard would allegedly make it difficult for networks to give sponsors assurances concerning clearances. However, as indicated above, ABC would support the proposal if it is clarified to indicate that stations would not have the right arbitrarily to reject network programs already contracted for, and CBS and NBC would not oppose it if so clarified.

52. The CBS Affiliates support the proposal in principle, but would limit a station's right to reject a program as unsatisfactory or unsuitable to the two week period after the first program in the series is broadcast, or to the end of any 13-week period. This modification is considered necessary to prevent stations from cancelling in the middle of a series just for the purpose of carrying a non-network program. If enough stations followed that practice, it might create difficulties in maintaining a sufficient network lineup to continue the program. The CBS Affiliates' proposal is based on their interpretation that "unsatisfactory or unsuitable" means artistically deficient, even if the program in question is not contrary to the public interest.

53. The NBC Affiliates oppose the modified proposal offered by the CBS Affiliates. The NBC Affiliates state that it would require stations to take programs after the first two weeks of a series even if the station believed them to be unsatisfactory or unsuitable. They further contend that if a station had any doubts about a series, it would be likely to protect itself by cancelling within the first two weeks, rather than waiting to see if the remaining programs in the series were satisfactory. Chronicle, WBEN and WSSC oppose the Commission's proposal. Their opposition is based primarily on the alleged lack of need for the amendment.

54. The Commission has concluded that adoption of the proposed amendment would clearly serve the public interest. It is essential that individual television station licensees have the ultimate responsibility for the programs broadcast over their stations. This is true whatever the source of a particular program may be. Programs suitable or appropriate for one community may not be for another. The judgments in this respect must be made by the individual station licensee, who is charged with the duty of serving the needs and interests of the viewing public in his particular community.

55. Section 3.658(e) of the Commission's rules now insures that affiliated stations retain the right to reject a network program at the time that it is offered if the station reasonably believes it to be unsatisfactory or unsuitable. However, it may not be possible for an affiliate to determine at the time it contracts to accept a program series offered by the network whether the individual programs in that series will be satisfactory or suitable for viewing in the community served by the station. In order to fully discharge its responsibilities, a station should have the right to reject any individual network program

it reasonably considers to be unsatisfactory or unsuitable even where it has already accepted the program series of which it is a part. Moreover, we are of the opinion that this broadened right of rejection should extend to all programs in any series, and should not be limited to the first two programs of a series and the end of each 13-week period, as suggested by the CBS Affiliates.

56. In addition to the affirmative reasons for adopting this proposal, we are not persuaded that there is any sound reason to believe that it will disrupt or adversely affect efficient network operations. Affiliates have had the right since the chain broadcasting rules were first adopted to reject programs offered by the networks which they considered to be unsatisfactory or unsuitable. This long standing right of affiliates has apparently functioned well in practice and has not resulted in any problems concerning the interpretation of the terms "unsatisfactory" or "unsuitable." We find no basis for anticipating problems in extending this right to programs already contracted for or any need for further clarification of the terms which have a long history of use and application in the very same section of the Commission's rules.

Right to substitute programs. 57. The present language of § 3.658(e) prohibits a station from entering into an agreement with a network which would prevent it from substituting for a network program offered or contracted for a program of outstanding local or national importance. In order to broaden a station's right to exercise its own judgment with respect to acceptance or rejection of network programs, the Commission proposed an amendment to prohibit a station and network from reaching an agreement which would prevent the station from substituting for a network program a program which it considers to be of greater (as distinct from outstanding) local or national importance. The ABC, CBS and NBC Affiliates, SRA and Westinghouse filed comments in support of the Commission's proposal. They indicate that affiliated stations exercise the right to substitute programs of greater local or national importance at the present time, but that this right is important and should be codified in order to obviate any possible questions concerning the rights of stations in this regard.

58. ABC states that it would support the proposal, if it is clarified, while CBS and NBC would not object to it if it is clarified. All three networks wish the Commission to make clear that the station's right to substitute for a network program must be based on bona fide public interest considerations rather than mere economic benefit to the station. Moreover, CBS and NBC contend that there is no need for the proposed amendment. Chronicle, WBEN and WCSC oppose adoption of the Commission's proposal. Their opposition is based primarily on the argument that there is no need for the amendment.

59. The Commission is of the opinion that adoption of this amendment would clearly be in the public interest. As in

the case of the right to reject network programs, the primary consideration here is the responsibility of the individual television station licensee for programming on his station. To discharge that responsibility the licensee must be free to exercise his judgment concerning what programs will best serve the interests and needs of the public in his own community. When, in the licensee's judgment, there is a program which would be of more importance to the public in his community than a network program either offered or contracted for, he should be free to implement his judgment. We believe that insuring this freedom on the part of the licensee is entirely consistent with the maintenance of successful and efficient network operations. There is no evidence that the rights presently guaranteed to station licensees under § 3.658(e) of the rules have created problems, and we believe that we may properly rely on licensees to exercise their expanded rights in a manner consistent with contract obligations and the public interest.

Radio. 60. The specific amendments proposed in the Notice of Proposed Rule Making in this proceeding applied only to television. However, the Notice did request interested parties to furnish comments concerning the need for, or desirability of, issuing a similar Notice of Proposed Rule Making with respect to network option time in radio.

61. SRA recommends that the proposed amendments to § 3.658(e), dealing with a station's rights of rejection and substitution with respect to network programs, should be adopted for radio. SRA, however, argues for the abolition of option time in radio unless it is demonstrated that it is reasonably necessary for radio network operation. It is argued that the Commission in 1941 found only that option time in radio was a business convenience and that because of changing conditions it cannot be assumed that option time is now even reasonably necessary as a business convenience.

62. ABC, CBS Radio, NBC and Mutual oppose the institution of proceedings to consider rules for radio similar to those proposed for television. The importance of option time in enabling radio to compete with other advertising media is noted. It is argued that the Commission should not act in the radio field without the benefit of the same type of study and record that it has concerning television. Conditions are allegedly different in radio, where the importance of the networks with respect to both revenues and programs has declined sharply. It is also contended that radio networking is currently in an evolutionary period during which it would be inappropriate to amend the rules. Moreover, it is alleged that affiliated stations have ample flexibility in program selection and that abundant radio time is available for non-network advertising and program sources.

63. After careful consideration, the Commission has concluded that a rule making proceeding looking toward amendments of the Chain Broadcasting Rules directly concerning option time

in radio should not be instituted at this time. It is evident that in the past few years significant changes have occurred in radio, and that conditions and practices in radio are not now similar to those prevailing in television. For example, the importance of radio networks has declined appreciably, and their current role in radio is clearly not comparable to that of the television networks. Moreover, while the Commission is cognizant that important changes have been taking place in the radio industry, we have not had the benefit of a detailed study and analysis of that industry which will enable us to determine whether amendment to the rules would be necessary or desirable.¹⁸ Accordingly, we believe it would be inappropriate at this time to institute rule making proceedings for the purpose of considering amendments to the Chain Broadcasting Rules applicable to radio. However, we intend to keep network-station relationships in radio under review and will institute such rule making proceedings as the public interest may require in light of changing conditions.

Decision. 64. In view of the foregoing, it is ordered, under the authority of sections 4(i) and 303 (f), (i) and (r) of the Communications Act of 1934, as amended, that, effective January 1, 1961, § 3.658 (d) and (e) are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Adopted: September 14, 1960.

Released: September 16, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁹

[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 3.658 (d) and (e) of the Commission's rules is amended to read as follows:

§ 3.658 Affiliation agreements.

(d) *Option time.* (1) No license shall be granted to a television broadcast station which options for network programs any time subject to call on less notice than is required by subdivisions (i), (ii), and (iii) of this subparagraph.

(i) In no event may a station subject its time to call, under an option, for a network program to commence earlier than four weeks after notice of exercise of the option.

(ii) If a station has a written contract with one or more advertisers pursuant to which a non-network program series is being broadcast, the time so contracted shall not be callable under an option held by a network until the earlier of (a) the end of a 13-week waiting period or (b) the end of the program series so contracted.

¹⁸ The Report on Network Broadcasting did not consider in detail the subject of radio networking.

¹⁹ Dissenting statement of Commissioner Hyde in which Commissioners Ford, Chairman, and Bartley join; and concurring statement of Commissioner King filed as part of the original document.

(iii) If a station has entered into a written contract with an advertiser or advertisers for the broadcast of a non-network program scheduled to commence no later than four weeks after the network exercises its option for the same time segment, the network may not under its option require the station to substitute a network program until the earlier of (a) 13 weeks from the commencement of such non-network program or (b) the end of the program series so contracted.

(iv) If the station has contracted with more than one advertiser for the program series, the end of the program series for the purposes of this section shall be the latest of the several contract termination dates.

(2) No license shall be granted to a television broadcast station which options for network programs more than a total of 2½ hours within each of four segments of the broadcast day, as herein described. In determining the number of hours of option time, any network program which begins during the hours agreed upon by the network and station as option time and extends into non-

option time, or which begins during non-option time and extends into the hours agreed upon as option time, shall be considered as falling entirely outside option time. The broadcast day is divided into four segments, as follows: 8 a.m. to 1 p.m.; 1 p.m. to 6 p.m.; 6 p.m. to 11 p.m.; 11 p.m. to 8 a.m. (These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.) Time options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

(3) As used in this section, an option is any contract, arrangement or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time

already scheduled when the network organization seeks to utilize the time. All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

(e) *Right to reject programs.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which, with respect to programs offered or already contracted for pursuant to an affiliation contract, prevents or hinders the station from (1) rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest, or (2) substituting a program which, in the station's opinion, is of greater local or national importance.

[F.R. Doc. 60-8730; Filed, Sept. 20, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 730]

RICE

Notice of Determinations To Be Made With Respect to Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields, and Proposed Date for Conducting a Referendum on Marketing Quotas for 1961 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354, 1377), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1961 crop of rice, to determine and proclaim the national acreage allotment for the 1961 crop of rice, to apportion among States and counties the national acreage allotment for the 1961 crop of rice, to establish county normal yields for the 1961 crop of rice, and to establish a date for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1961 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1960 the Secretary determines that the total supply of rice for the 1960-61 marketing year will exceed the normal supply for such marketing year the Secretary shall, not later than December 31, 1960, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1961. Within thirty days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether such farmers are in favor of or opposed to such quotas. In the event that the Secretary proclaims quotas in effect for the 1961 crop of rice, it is proposed that the date for holding the referendum be set as Tuesday, December 13, 1960.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1961 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the five calendar years 1956 through 1960 produce an amount of rice adequate, together with the estimated carry-over from the 1960-61 marketing year, to make available a supply for the 1961-62 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1960.

Section 353(c)(6) of the act, as amended, provides that the national

acreage allotment of rice for 1961 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1961 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carry-over of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353 (a) and (c) (6) of the act require that the national acreage allotment of rice for the 1961 crop, less a reserve of not to exceed one per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act, as amended).

Section 353(b) of the act requires that the State acreage allotment of rice for the 1961 crop shall be apportioned to farms owned or operated by persons who have produced rice in the State in any one of the five calendar years, 1956 through 1960, on the basis of past production of rice in the State by the producer on the farm taking into consideration the acreage allotments previously established in the State for such owners or operators; abnormal conditions affecting acreage; land, labor, and equipment available for the production of rice; crop rotation practices; and the soil and other factors affecting the production of rice. Provision is made that if the State committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the act, he may provide for the apportionment of part or all of the State acreage allotment to farms on which rice has been produced during any one of such period of years on the basis of the foregoing factors, using past production of rice on the farm and the acreage al-

lotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for such owners or operators. Provision is also made that if the Secretary determines that part of the State acreage allotment shall be apportioned on the basis of past production of rice by the producer on the farm and part on the basis of the past production of rice on the farm, he shall divide the State into two administrative areas, to be designated "producer administrative area" and "farm administrative area", respectively, which areas shall be separated by a natural barrier which would prevent each area from being readily accessible to rice producers in one area from producing rice in the other area, and each area shall be composed of whole counties. Not more than 3 per centum of the State acreage allotment shall be apportioned among farms operated by persons who will produce rice in the State in 1961 but who have not produced rice in the State in any one of the years, 1956 through 1960, on the basis of the applicable apportionment factors set forth herein: *Provided*, That in any State in which allotments are established for farms on the basis of past production of rice on the farm such percentage of the State acreage allotment shall be apportioned among the farms on which rice is to be planted during 1961 but on which rice was not planted during any of the years, 1956 through 1960, on the basis of the applicable apportionment factors set forth in said section 353. In determining the eligibility of any producer or farm for an allotment as an old producer or farm under the first sentence of subsection (b) of section 353 of the act or as a new producer or farm under the second sentence of such subsection, such producer or farm shall not be considered to have produced rice on any acreage which under subsection (c) (2) of section 353 of the act is either not to be taken into account in establishing acreage allotments or is not to be credited to such producer. For purposes of section 353 of the act in States which have been divided into administrative areas pursuant to subsection (b) thereof, the term "State acreage allotment" shall be deemed to mean that part of the State acreage allotment apportioned to each administrative area and the word "State" shall be deemed to mean "administrative area", wherever applicable.

Section 353(c)(1) of the act provides that if farm acreage allotments are established by using past production of rice on the farm and the acreage allotments previously established for the farm in lieu of past production of rice by the producer and the acreage allotments previously established for owners or operators, the State acreage allotment shall be apportioned among counties in the State on the same basis as the national acreage allotment is apportioned among the States and the county acreage allotments shall be apportioned to farms

on the basis of the applicable factors set forth in subsection (b) of the section: *Provided*, That if the State is divided into administrative areas pursuant to subsection (b) of the section the allotment for each administrative area shall be determined by apportioning the State acreage allotment among counties as provided in the subsection and totaling the allotments for the counties in such area: *Provided*, That the State committee may reserve not to exceed 5 per centum of the State allotment, which shall be used to make adjustments in county allotments for trends in acreage and for abnormal conditions affecting plantings.

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1961 for any county shall be the average yield per acre of rice for the county during the five calendar years 1956 through 1960 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1956 through 1960 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1956 through 1960 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Section 377 of the act provides that in any case in which the acreage planted to rice on any farm in 1961 is less than the 1961 rice acreage allotment for the farm, the entire acreage allotment for such farm shall be considered for purposes of future State, county, and farm acreage allotments to have been planted to rice in 1961, if, except for federally owned land, an acreage equal to or greater than 75 per centum of the farm acreage allotment for 1959, 1960, or 1961 was actually planted to rice in such year or was regarded as planted to rice under the soil bank program.

Sections 106 and 112 of the Soil Bank Act provide that the acreage on any farm which is determined to have been diverted from the production of rice under the acreage reserve or conservation reserve program shall be considered as rice acreage for the purpose of establishing future farm, county, and State acreage allotments under the Agricultural Adjustment Act of 1938, as amended.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county

acreage allotments, and county normal yields for the 1961 crop of rice, including national, State, and county reserves, and establishing the date of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. All written submissions must be postmarked not later than thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., this 15th day of September 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-8791; Filed, Sept. 20, 1960;
8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 510; Draft Release 60-16]

AIR TRAFFIC

Visual Flight Rules

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal which would reestablish the phrase "beneath the ceiling" in § 60.30 as it appeared in that section prior to Amendment 60-11; revise the definition "VFR conditions;" and add a new definition entitled "special VFR conditions."

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received prior to November 23, 1960, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this notice, we will be unable to acknowledge receipt of each reply.

In Civil Air Regulation Amendment 60-11, adopted on August 7, 1958, §§ 60.30 and 60.31 were revised to provide for "Basic VFR Minimum Weather Conditions" in § 60.30 and "Special VFR Weather Conditions in Control Zones" in § 60.31.

The preamble of Amendment 60-11 made it clear that, with one exception, the amendment did not contemplate the modifications of the minimum VFR weather criteria. This is evident in the following statement quoted from the

preamble of Amendment 60-11: "This amendment introduces the terms 'basic' and 'special' VFR flight but leaves unchanged the existing VFR weather minimums with the exception of the one-half mile rule for VFR flights which is eliminated."

Prior to the adoption of Amendment 60-11, the rule required that an air traffic control clearance be obtained prior to flight in a control zone beneath the ceiling, when the ceiling was less than 1,000 feet. While it is clear that Amendment 60-11 did not contemplate the modifications of this ceiling requirement, the phrase "beneath the ceiling" was omitted in the rule adopted by this amendment. The significance of this omission is apparent as it would technically require the approval of air traffic control for each and every flight that overflew a control zone when the ceiling in such zone was less than 1,000 feet, even though the flight was well above the undercast and being operated VFR-on-top. Such a requirement was not intended and would not only impose a severe and unnecessary burden on pilots operating VFR-on-top en route, but would also create a workload on air traffic control communications facilities which could saturate the system.

In practical application, the 1,000-foot ceiling requirement serves a single and essential purpose; this requirement (in conjunction with the three mile visibility minimum) is the precise limit below which "basic VFR" flight activity is discontinued and Instrument Flight Rules (IFR) or "special VFR" rules and procedures are applied.

As indicated in the preamble to Amendment 60-11, the "special VFR" provisions of § 60.31 were intended to provide a degree of flexibility to VFR flight so that when the weather conditions were generally good, but below the minimums specified for "basic" VFR flight in a control zone (ceiling 1,000 feet, visibility 3 miles), aircraft could depart and arrive at an airport VFR.

The flexibility provided to "special VFR" flights is expressed in the distance-from-cloud and visibility criteria established for "special VFR" flights, the values of which are not as great as the criteria specified for "basic" VFR flight.

It is clear that absence of the phrase "beneath the ceiling" imposes a technical burden which is not necessary in the interest of safety. Such a requirement would burden both the system and the users with an unnecessary obligation (i.e., to obtain an air traffic clearance to overfly a control zone when operating an aircraft VFR-on-top). Further, it is evident from the preamble of Amendment 60-11 that the substantive modification inherent in the deletion of this phrase was not intended. The amendment proposed herein, therefore, reestablishes the phrase "beneath the ceiling" in § 60.30 as it appeared in that section prior to Amendment 60-11.

The rule proposed herein also amends section 60.60, "Definitions," so as to provide a better distinction between the two types of VFR conditions which were introduced by Amendment 60-11. Currently, the only definition provided with

regard to weather conditions required for VFR flight is the one entitled "VFR conditions." No distinction is made between "basic" and "special" VFR conditions. Since the phrase "VFR conditions" is most commonly used in reference to "basic VFR minimum weather conditions," the definition provided herein defines the term with that meaning. Hereafter, the phrase "VFR conditions" will mean the basic VFR minimum weather conditions as contained in § 60.30. A definition is also provided for "special VFR" which will define the term as meaning those special weather minimums as contained in § 60.31.

In consideration of the foregoing, it is proposed to amend Part 60 of the Civil Air Regulations as follows:

1. By amending § 60.30(a)(1) to read as follows:

§ 60.30 Basic VFR minimum weather conditions.

(a) *Clearance from clouds*—(1) *In controlled airspace.* Aircraft shall not be flown VFR less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation except that, in the continental control area, aircraft shall not be flown VFR less than 1,000 feet vertically and one mile horizontally from any cloud formation. Aircraft shall not be flown VFR within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

§ 60.60 [Amendment]

2. By amending § 60.60 by revising the definition "VFR conditions" and by adding a new definition "Special VFR conditions" to read as follows:

VFR conditions. Basic weather conditions prescribed in § 60.30 for flight under VFR.

Special VFR conditions. Weather conditions prescribed in § 60.31 for VFR flight within a control zone when a clearance has been obtained from air traffic control.

This regulation is proposed under the authority of sections 313(a) and 307(c) of the Federal Aviation Act of 1958 (72 Stat. 752, 749, 49 U.S.C. 1354, 1348).

Issued in Washington, D.C., on September 14, 1960.

D. D. THOMAS,
Director,

Bureau of Air Traffic Management.
[F.R. Doc. 60-8771; Filed, Sept. 20, 1960; 8:49 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 509]

AIRWORTHINESS DIRECTIVES

Piaggio

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring rerouting of engine oil system lines on Piaggio P.136-L2 aircraft to prevent oil from flowing into the engine compartment in event of fire.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency (Room B-316, 1711 New York Avenue NW., Washington 25, D.C.). All communications received on or before October 24, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

PIAGGIO. Applies to all Model P.136-L2 aircraft.

Compliance required within 25 hours' time in service from the effective date of this directive.

In order to prevent hazardous quantities of oil from flowing into the engine compartment in the event of a fire, the engine oil system lines must be rerouted in accordance with Piaggio Change Order No. 36-55 which covers this same subject.

Issued in Washington, D.C., on September 15, 1960.

GEORGE C. PRILL,
Acting Director,

Bureau of Flight Standards.

[F.R. Doc. 60-8741; Filed, Sept. 20, 1960; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-70]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Proposed Extension

In a notice of proposed rule making published in the FEDERAL REGISTER on August 6, 1960 (25 F.R. 7466), it was stated that the Federal Aviation Agency proposed to designate a segment of VOR Federal airway No. 26, and its associated control areas, from the Delta, Utah, VOR via the Myton, Utah, VOR to the Cherokee, Wyo., VOR. It was also stated that VOR Federal airway No. 285 and its associated control areas, would be revoked. The original Federal Aviation Agency flight check of the proposed direct alignment of Victor 26 from Delta to Myton indicated that a minimum enroute altitude of 17,000 feet could be established between these points. A subsequent flight check of an alignment of the airway via the intersection of the Delta VOR 054° and the Myton VOR 256° True radials indicated that a minimum enroute altitude of 15,000 feet MSL could be established. This would permit the use of two additional cardinal altitudes.

Therefore, the proposal to extend Victor 26, and its associated control areas, as contained in the Notice (Airspace Docket No. 60-LA-70), is amended by proposing alignment of the airway segment as follows: From the Delta, Utah, VOR via the intersection of the Delta VOR 054° and the Myton, Utah, VOR 256° True radials; the Myton VOR; to the Cherokee, Wyo., VOR. The proposal to revoke Victor 285, and its associated control areas, would remain as stated in the notice.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to October 15, 1960.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60-LA-70 is extended to October 15, 1960. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8744; Filed, Sept. 20, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-145]

CONTROL ZONES

Designation and Modification

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2321 of the regulations of the Administrator, the substance of which is stated below.

The Oxnard, Calif., control zone is designated within a 5-mile radius of Oxnard Air Force Base, Calif., and within 2 miles on the north side and 5 miles on the south side of a line bearing 271° True from the center of Oxnard AFB extending from the 5-mile radius control zone to the southwestern boundary of VOR Federal airway No. 27. The Federal Aviation Agency has under consideration redesignation of the Oxnard control zone within a 5-mile radius of Oxnard-Ventura County Airport, Calif. (Lat. 34°12'05" N., Long. 119°12'15" W.), and within a 5-mile radius of Oxnard AFB (Lat. 34°12'50" N., Long. 119°05'15" W.) excluding the portion which would coincide with the proposed NAS Point Mugu, Calif., control zone. Also under consideration is the designation of a control zone within a 5-mile radius of NAS

[14 CFR Part 601]

[Airspace Docket No. 60-FW-64]

CONTROL ZONES

Modification

Point Mugu (Lat. 34°06'55" N., Long. 119°07'10" W.), and within 2 miles either side of a bearing of 208° True and a bearing 225° True from the NAS Point Mugu radio beacon, extending from the 5-mile radius control zone to 12 miles southwest of the radio beacon, excluding the area north of a line connecting points at Lat. 34°07'45" N., Long. 119°12'20" W.; Lat. 34°10'25" N., Long. 119°08'30" W.; Lat. 34°09'00" N., Long. 119°02'35" W. The portion which would coincide with Point Mugu Restricted Areas (R-100 and R-551) and Point Mugu Warning Area (W-289) would be used for air traffic management purposes only after prior approval of the controlling agency of the restricted and warning areas.

Designation and redesignation of the control zones as proposed would provide protection for aircraft executing prescribed instrument approaches to Oxnard-Ventura County Airport, Oxnard AFB and NAS Point Mugu. The Federal Aviation Agency approach control at Oxnard-Ventura County Airport would exercise control of all IFR traffic at the three airports. The Oxnard control zone would include both the Oxnard-Ventura County Airport and the Oxnard AFB.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C. on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8742; Filed, Sept. 20, 1960;
8:45 a.m.]

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2230 of the regulations of the Administrator, the substance of which is stated below.

The Brunswick, Ga., control zone is presently designated within a 5-mile radius of McKinnon Airport, Brunswick, Ga., within 2 miles either side of a line bearing 226° True extending from the Brunswick nondirectional radio beacon to a point 10 miles southwest, and within 2 miles either side of the 023° and 203° True radials of the Brunswick VOR extending from the 5-mile radius zone to a point 10 miles south of the VOR. The Federal Aviation Agency has under consideration the modification of this control zone as follows:

1. Redesignate the control zone extension, based on the Brunswick radio beacon, within 2 miles either side of the 226° True bearing from the Brunswick radio beacon extending from the 5-mile radius zone to 12 miles southwest of the radio beacon.

2. Redesignate the extension, based on the Brunswick VOR, within 2 miles either side of the 023° True radial of the Brunswick VOR extending from the 5-mile radius zone to the VOR.

This modification would provide protection for aircraft conducting the prescribed instrument approaches to the McKinnon Airport, Brunswick, Ga., during instrument flight rule conditions.

If this action is taken, the Brunswick, Ga., control zone would be designated within a 5-mile radius of McKinnon Airport, Brunswick, Ga. (Lat. 31°09'05" N., Long. 81°23'20" W), within 2 miles either side of the 226° True bearing from the Brunswick radio beacon extending from the 5-mile radius zone to 12 miles southwest of the radio beacon, and within 2 miles either side of the 023° True radial of the Brunswick VOR extending from the 5-mile radius zone to the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accord-

ance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on September 15, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-8743; Filed, Sept. 20, 1960;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on the Definition of Small Business for the Household Movers Industry

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the household movers industry for the purpose of Government procurement and SBA business loans.

The hearing will take place November 2, 1960 at 10:00 a.m. eastern standard time, in Room 1143, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before October 28, 1960, written statement of facts, opinions, or arguments concerning the appropriate definition of a small business in the household movers industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the person who will appear and whom they represent.

All correspondence on this matter shall be addressed to: Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the household movers industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs not more than 500 persons.

The present definition of small business for the household movers industry for the purpose of SBA business loans is a concern that (1) is independently

owned and operated, (2) is not dominant in its field of operation, and (3) has annual receipts of \$3,000,000 or less.

NOTE: Pending further study of the relationship between large interstate van lines and small household movers, freight forwarders, booking and hauling agents and similar enterprises, no such concern will be denied an SEA business loan solely because

of its relationship with an interstate van line, provided that its annual receipts have not exceeded \$3,000,000 during the concern's most recently completed fiscal year.

Applications for SBA business loans submitted by household movers, freight forwarders, booking and hauling agents and similar enterprises must state the amount, if any, of such annual receipts

which are directly attributable to the applicant's relationship with an interstate van line.

Dated: September 9, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8755; Filed, Sept. 20, 1960;
8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 60-62]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval

1. Various items of lifesaving, fire-fighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-40 (25 F.R. 6138, 6139), and 2.75-50. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from August 2, 1960, through August 8, 1960. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

5. The delegations of authority for the Coast Guard's actions with respect to ap-

provals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 3857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, sections 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, and section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), section 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II is listed the approval which has been terminated because the approval has expired. Notwithstanding this termination of approval of the item of equipment as listed in Part II of the document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/34/1, Group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective August 4, 1960. It supersedes Approval No. 160.049/34/0 dated July 6, 1960.

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/5/6, Model No. 12 L.R., first-aid kit for inflatable life rafts, dwg. revised July 7, 1960, manufactured by The Pac-Kit Safety Equipment Co., Inc., 175 Greenwich Avenue, Greenwich, Conn., effective August 2, 1960.

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL-FOAM TYPE

Approval No. 162.006/37/3, Fyr-Fyter Model No. 18-4 (formerly Model No. 18-4 C.G. or 18-12), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18-4, Rev. D dated May 27, 1960, name plate dwg. No. 3567, Rev. H dated May 27, 1960 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio,

effective August 8, 1960. (It supersedes Approval No. 162.006/37/2 published in the FEDERAL REGISTER dated July 28, 1959.)

Approval No. 162.006/38/3, Buffalo Model No. 18-5 (formerly Model No. 18-5 C.G. or 18-14), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18-5, Rev. D dated May 27, 1960, name plate dwg. No. 4760, Rev. H dated May 27, 1960 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective August 8, 1960. (Supersedes Approval No. 162.006/39/2 published in the FEDERAL REGISTER July 28, 1959.)

Approval No. 162.006/42/1, Pyrene Model No. PW12 (formerly Model No. PW12 C.G.), 2½ gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. PW12, Rev. D dated May 27, 1960, name plate dwg. No. 6242, Rev. D dated May 27, 1960 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., 221 Crane St., Dayton 1, Ohio, effective August 8, 1960. (Supersedes Approval No. 162.006/42/0 published in the FEDERAL REGISTER dated July 28, 1959.)

RELIEF VALVES (HOT WATER HEATING BOILERS)

Approval No. 162.013/36/0, Type No. 130-¾", relief valve for hot water heating boilers, maximum set pressure 30 p.s.i., relieving capacity 480,000 B.T.U. per hour, dwg. No. MA-130, dated January 13, 1960, approved for ¾" inlet size, manufactured by McDonnell & Miller, Inc., 3500 N. Spaulding Ave., Chicago 18, Ill., effective August 2, 1960.

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/2/0, National Aer-O-Foam marine foam fire extinguishing systems with Aer-O-Foam Liquid 3% Regular, Instruction Sheet No. 626 revised June 1, 1960, manufactured by National Foam System, Inc., Union and Adams Sts., West Chester, Pa., effective August 2, 1960.

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT INSTALLATIONS, OR MATERIALS

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/35/0, Special approval for 15" x 20" x 2½" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing St., Dallas 7, Texas, effective August 4, 1960.

Termination of Approval No. 160.049/36/0, Special approval for 15" x 31" x 3" rectangular unicellular plastic foam buoyant cushion, Specification Subpart 160.049, manufactured by Massoud Marine Upholstery, Inc., 110 Manufacturing

ing St., Dallas 7, Texas, effective August 4, 1960.

Dated: September 14, 1960.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 60-8774; Filed, Sept. 20, 1960;
8:49 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

PROCESSING OF CLAIMS

Single Service Assignment of Responsibility

The Acting Secretary of Defense approved the following September 7, 1960:

References:

(a) Foreign Claims Act (10 USC 2734).

(b) Military Claims Act (10 USC 2733).

(c) Act of August 31, 1954 (68 Stat. 1006; 31 USC 2241-2—2241-5).

(d) DoD Directive 5515.3, "Settlement of Claims Under the Foreign Claims Act".

(e) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846).

(f) DoD Directive 5515.5, "Settlement of Claims Arising from the Activities in the United States, its Territories and Possessions, of Forces and Civilian Components of Other NATO Nations," April 9, 1954 (hereby cancelled).

I. Purpose. The purpose of this directive is to assign single Service responsibility for the processing of claims against and in favor of the United States.

II. Cancellations. Reference (f) published at 19 F.R. 2236, April 17, 1954, and all prior assignments of responsibility for the processing of claims are hereby superseded and cancelled.

III. Applicability. This directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of references (a), (b), and (c).

IV. Assignment of responsibility. A. Responsibility for the processing of all claims in favor of the United States, or against the United States and cognizable under references (a), (b), or (c) above, which arise in the following countries is hereby assigned to the military departments designated below:

1. Department of the Army: Belgium, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, and as the Receiving State Office in the United States under references (c) and (e).

2. Department of the Navy: Italy and Portugal.

3. Department of the Air Force: Canada, Denmark, Greece, Iceland, Japan, Libya, Luxembourg, Netherlands, Norway, Pakistan, Saudi Arabia, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of section IV. A., the Department of the Navy is hereby authorized to settle non-scope of duty claims under \$100 arising

in foreign ports visited by the Sixth Fleet and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to Article VIII, paragraph 6 of reference (e).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 60-8738; Filed, Sept. 20, 1960;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ARROWHEAD SALES BARN ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Arrowhead Sales Barn, Grand Rapids, Minn.
Oregon Livestock Sales Co., Oregon, Mo.
Frederic Livestock Sales, Inc., Frederic, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of September 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-8789; Filed, Sept. 20, 1960;
8:51 a.m.]

GULF COOP. MARKETING ASSN., INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners

and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

FLORIDA

Gulf Coop. Marketing Assn., Inc., Trenton; July 8, 1960.

IDAHO

Council Livestock Sale, Council; August 4, 1960.

ILLINOIS

Galesburg Livestock Auction, Galesburg; July 27, 1960.

KENTUCKY

Kentucky-Tennessee Livestock Market, Guthrie; August 19, 1960.

MAINE

Hammond Livestock Sales, Exeter; August 10, 1960.

MISSOURI

Bethany Livestock Auction, Bethany; August 16, 1960.

Missouri Livestock Market Center, Inc., Mexico (formerly Central Missouri Livestock Auction); August 8, 1960.

NEW YORK

Empire Livestock Marketing Cooperative, Inc., Bath; August 8, 1960.

Empire Livestock Marketing Cooperative, Inc., Bullville; August 8, 1960.

Cambridge Valley Live Stock Market, Cambridge; August 16, 1960.

Cobleskill Commission Sale, Cobleskill; August 8, 1960.

Empire Livestock Marketing Coop., Inc., Dryden; August 8, 1960.

Empire Livestock Marketing Coop., Inc., Gouverneur; August 8, 1960.

Empire Livestock Marketing Coop., Inc., Greene; August 8, 1960.

Ben Dibelle Commission Sales, Hannibal; August 15, 1960.

Hillsdale Farmers Auction, Inc., Hillsdale; August 15, 1960.

Maplehurst Livestock Market, Hinsdale; August 6, 1960.

Horseheads Livestock Market, Inc., Horseheads; August 1, 1960.

Kimball Stand Commission Sales, Jamestown; August 11, 1960.

Empire Livestock Marketing Corp., Inc., Oneonta; August 8, 1960.

N. Johncox Sons, Palmyra; August 1, 1960.

Walkill Livestock Market, Walden; August 8, 1960.

Tweedies Sale's Stables, Walton; August 17, 1960.

Hudson Valley Livestock Market, Watford; August 15, 1960.

Empire Livestock Marketing Coop., Inc., Watertown; August 8, 1960.

Empire Livestock Marketing Coop., Inc., West Winfield; August 8, 1960.

NORTH DAKOTA

Rugby Livestock Sales, Rugby; August 1, 1960.

TEXAS

Holmes Live Stock Commission, Weatherford; August 12, 1960.

Done at Washington, D.C., this 16th day of September 1960.

DONALD L. BOWMAN,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-8790; Filed, Sept. 20, 1960;
8:51 a.m.]

CUCUMBERS GROWN IN FLORIDA**Order Directing That a Referendum Be Conducted Among Producers, and Designating Agents To Conduct Such Referendum**

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1959, through July 31, 1960, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the State of Florida in the production of cucumbers for market, to determine whether such producers favor the termination of Marketing Order No. 115 (7 CFR Part 1015) which regulates the handling of cucumbers grown in Florida.

The procedures applicable to this referendum should be the "Procedures for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except as hereinafter prescribed:

(a) Subparagraph (c) (1) is amended to read as follows:

(1) Conduct the referendum in the manner hereinafter prescribed, by giving an opportunity to producers who, during the representative period determined by the Secretary, have been engaged within the specified production area in the production for market of the commodity specified to cast their ballots relative to the termination of Order No. 115.

(b) Subparagraph (c) (5) is amended to read as follows:

(5) Make available to producers and the aforesaid cooperative associations copies of the text of Marketing Order No. 115, instructions on voting, appropriate ballots, and other necessary forms.

M. F. Miller and K. W. Schaible, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the aforesaid order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Washington, D.C., and at the office of M. F. Miller, Fruit and Vegetable Division, United States Department of Agriculture, Florida Citrus Mutual Building, 302 S. Massachusetts Avenue, Lakeland, Florida. Ballots to be cast in the referendum and copies of the aforesaid order may be obtained from any referendum agent, or from any appointee hereunder.

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 15, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-8763; Filed, Sept. 20, 1960; 8:47 a.m.]

**Commodity Stabilization Service
SUGARCANE****Notice of Hearing on Prices in Puerto Rico and Wages and Prices in the Virgin Islands and Designation of Presiding Officers**

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Santurce, Puerto Rico, in the Puerto Rico Farm Bureau Conference Room, Fourth Floor, Condominio San Martin, 1605 Ponce de Leon Avenue (Stop 23), October 14, at 9:30 a.m.

At Christiansted, St. Croix, Virgin Islands, in the District Court Room at Government House, on October 18, at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c) (1) of the said Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1961 on farms with respect to which applications for payment under the said Act are made, and (2) pursuant to the provisions of section 301(c) (2) of said Act, fair and reasonable prices for the 1960-61 Puerto Rican crop of sugarcane and the 1961 crop of Virgin Islands sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the said Act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to wages and prices.

While testimony on all pertinent subjects is desired, it is requested that witnesses present their views and recommendations on the following subjects with respect to fair prices for sugarcane in Puerto Rico.

1. The requirements for determining the net weight of sugarcane delivered to the mill.

2. The appropriate spot price quotations of the New York Coffee and Sugar Exchange for raw sugar (i.e. Contract No. 6, bagged, or Contract No. 7, bulk) to be used to establish the "price of raw sugar" for the purpose of determining payment for sugarcane.

The hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearing by the presiding officers.

G. Laguardia, Ward S. Stevenson, and William N. Garrott are hereby designated as presiding officers to conduct

either jointly or severally the foregoing hearings.

Issued this 15th day of September 1960.

TOM O. MURPHY,
Acting Director, Sugar Division,
Commodity Stabilization Service.

[F.R. Doc. 60-8764; Filed, Sept. 20, 1960; 8:48 a.m.]

**Office of the Secretary
ARKANSAS****Designation of Area for Production
Emergency Loans**

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Ashley.	Miller.
Columbia.	Ouachita.
Lafayette.	Union.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of September 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-8765; Filed, Sept. 20, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE**Federal Maritime Board****CITY OF OAKLAND AND ENCINAL
TERMINALS****Notice of Agreement Filed for
Approval**

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8335-1, between the City of Oakland and Encinal Terminals modifies the basic agreement of the parties which covers the lease to Encinal of certain terminal property in the Port of Oakland on terms and conditions set forth therein. The purpose of the modification is to provide for the lease of additional area upon which the Port of Oakland shall construct a Dry Bulk Cargo Handling Facility and further provides for an increase of the minimum guaranteed annual revenue to be paid to the Port of Oakland.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Mari-

time Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8775; Filed, Sept. 20, 1960;
8:49 a.m.]

OCEAN STEAM SHIP CO., LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 8529, between Ocean Steam Ship Company Limited, The China Mutual Steam Navigation Company Limited (carriers comprising the Blue Funnel Line joint service), and Aktiebolaget Svenska Ostasiatiska Kompaniet (The Swedish East Asia Company Limited), covers the establishment and maintenance of a joint service under the trade name "Malaya Indonesia Line", in the trade from U.S. Atlantic and Gulf ports, East Canadian ports and U.S. and Canadian Great Lakes ports to ports in the Federation of Malaya, Singapore, Thailand and Indonesia, via ports en route but not including any foreign flag operations between U.S. ports.

(2) Agreement No. 8537, between Cuba, Mexico and West Indies Steamship Company, Inc., and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia.

(3) Agreement No. 8539, between Farrell Lines Incorporated and Union Maritime et Commerciale (UMARCO), covers a through billing arrangement in the trade between U.S. Atlantic ports and Warri, Sapele, Port Harcourt, Calabar and Victoria, Nigeria, West Africa, with transshipment at Lagos or Apapa, Nigeria, West Africa.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8776; Filed, Sept. 20, 1960;
8:50 a.m.]

MEMBER LINES OF MEDITERRANEAN-NORTH PACIFIC COAST FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8090-2, between the member lines of the Mediterranean-North Pacific Coast Freight Conference, modifies the basic agreement of that conference (No. 8090, as amended), which covers the trade from ports in the Mediterranean and Black Seas, Atlantic Coast of Spain, Morocco, and Portugal to ports on the Pacific Coast of the United States and Canada, and the Hawaiian Islands. The purpose of the modification is to provide (1) for the establishment of a Neutral Body which shall receive and investigate complaints of violations of the conference agreement, make decisions thereon, and assess fines within the minima and maxima set forth, (2) that the member lines shall be responsible for the acts of their agents, sub-agents, affiliates and subsidiaries in the faithful performance of the conference agreement, (3) that the member lines shall secure an unqualified assurance of faithful performance from each agent, etc., satisfactory to the conference, (4) that any violation of the agreement by any party not disposed of by the Neutral Body shall be handled by assessing damages to satisfaction of the parties subject to the right of appeal to arbitrators as presently provided in the agreement, (5) that a full and complete report, except for the name of the complainant, of the final disposition of each breach of agreement case handled by the member lines, by the Neutral Body and/or the arbitrators, as provided in the agreement, shall be furnished to the Federal Maritime Board by the Conference Secretary, and that nothing contained in this agreement shall interfere with the jurisdiction of the Federal Maritime Board under the Shipping Act, 1916, as amended, (6) that the existing \$5,000 bank guarantee may be supplied in transferable pound sterling as well as dollars or lire and that any depletion of the bank guarantee due to payment of fines or any other assessment must be restored within 10 days of notification by the conference secretary, (7) that the member lines may form pools for the division of freight earnings on traffic within the scope of the agreement subject to the prior approval of any such pool by the Board, (8) that three-fourths of the member lines shall constitute a quorum at conference meetings rather than all, (9) that the affirmative vote of all member lines less one, rather than a unanimous vote, shall determine all matters within the scope of the agreement, and (10) for the deposit of a \$500 membership fee by any new parties to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Mari-

time Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: September 16, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-8777; Filed, Sept. 20, 1960;
8:50 a.m.]

Office of the Secretary

JOSEPH P. CROSBY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: Lone Star Cement.

This statement is made as of August 24, 1960.

Dated: September 9, 1960.

JOSEPH P. CROSBY.

[F.R. Doc. 60-8793; Filed, Sept. 20, 1960;
8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management IDAHO

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands; Cancellation

SEPTEMBER 13, 1960.

Federal Register Document 60-8356, appearing on page 8724 of the issue for Friday, September 9, 1960, established the date for filing plats of survey. The notice is cancelled, and the subject plats will not be filed until further notice is published.

DONALD I. BAILEY,
Manager, Land Office.

[F.R. Doc. 60-8766; Filed, Sept. 20, 1960;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13667-13672; FCC 60M-1548]

ALTUS BROADCASTING CO.
(KWHW) ET AL.

Order Setting Prehearing Conference

In re applications of the Altus Broadcasting Company (KWHW), Altus, Oklahoma, Docket No. 13667, File No. BP-

12520; Charles L. Cain, El Reno, Oklahoma, Docket No. 13668, File No. BP-12546; KGFF Broadcasting Company, Incorporated (KGFF), Shawnee, Oklahoma, Docket No. 13669, File No. BP-12588; Plains Broadcast Company, Inc. (KENM), Portales, New Mexico, Docket No. 13670, File No. BP-13236; Woodward Broadcasting Company (KSIW), Woodward, Oklahoma, Docket No. 13671, File No. BP-13330; Snyder Broadcasting Company (KSNY), Snyder, Texas, Docket No. 13672, File No. BP-13446; for construction permits.

It is ordered, This 14th day of September 1960, on the Hearing Examiner's own motion, that all parties or their counsel who desire to participate in the above-captioned proceeding are directed to appear for a prehearing conference, pursuant to the provisions of 47 CFR 1.111, at the offices of the Commission in Washington, D.C., at 10:00 a.m., October 12, 1960.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8778; Filed, Sept. 20, 1960,
8:50 a.m.]

[Docket No. 13770]

OKEFENOKEE FLYING SERVICE

Order To Show Cause

In the Matter of A. B. Cochran, dba Okefenokee Flying Service, Waycross-Ware County Airport, Waycross, Georgia; order to show cause why there should not be revoked the license for Aeronautical Advisory Radio Station WIU4.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation was mailed to the above-named licensee on June 3, 1960, alleging that on June 1, 1960, the above-captioned radio station was found to be in violation of the following Sections of the Commission's rules for the reasons hereinafter set forth:

(1) Section 9.186(b)—The frequency measurements required to be made by § 9.186(a) of the rules were not recorded in the station's records;

(2) Section 9.151—The required station log was not maintained; and

(3) Section 9.1202—Provisions for receiving the CONELRAD Radio Alert were not made.

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated July 6, 1960, and sent by Certified Mail—Return Receipt Requested (No. 21525), brought this matter to the attention of the licensee and requested that such licensee respond to the Commissioner's letter within fifteen days

from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee A. B. Cochran on July 8, 1960 to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 13th day of September 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: September 15, 1960

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8779; Filed, Sept. 20, 1960;
8:50 a.m.]

¹ Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 13883; FCC 60M-1553]

WILLIAM L. BRADFORD, JR.

Order Continuing Hearing

In the matter of William L. Bradford, Jr., Los Angeles, California, Docket No. 13682; suspension of Amateur Radio Operator License (K6YDQ).

The Hearing Examiner having under consideration an informal request, filed September 7, 1960, in behalf of the respondent, that hearing in the above-entitled proceeding, which is presently scheduled to commence October 3, 1960, be continued to November 3, 1960;

It appearing, that the Commission's Safety and Special Radio Services Bureau is planning to explore with counsel for the respondent whether the issues herein raised may be resolved without the necessity for an oral evidentiary hearing, and, therefore, it is appropriate that adequate time be accorded counsel to accomplish the objective sought;

Accordingly, it is ordered, This 15th day of September 1960, that respondent's request is granted in part; and that hearing in the above-entitled proceeding is continued from October 3, 1960, to October 28, 1960.

Released: September 16, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8780; Filed, Sept. 20, 1960;
8:50 a.m.]

[Docket No. 13758; FCC 60M-1544]

BERT CUBBEDGE

Order Continuing Hearing

In the matter of Bert Cubbedge, Edgewater, Florida, Docket No. 13758; order to show cause why there should not be revoked the license for Radio Station WH-5889 Aboard the Vessel "Lou".

The Hearing Examiner having under consideration a motion by the Commission's Safety and Special Radio Services Bureau, filed September 13, 1960, for a thirty-day continuance of hearing in the above-entitled proceeding;

It appearing that good cause exists to warrant a continuance of the hearing herein, but that, in light of the showing made in the Bureau's motion, it is appropriate that such continuance be without date;

It is ordered, This 14th day of September 1960, that the motion is granted to the extent that it seeks a continuance of hearing in the above-entitled proceeding, which is presently scheduled for September 20, 1960, and that the said hearing is hereby continued without date.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8781; Filed, Sept. 20, 1960;
8:50 a.m.]

[Docket No. 13659; FCC 60M-1547]

W. R. FRIER (WBHF)

Order Continuing Hearing

In re application of W. R. Frier (WBHF), Cartersville, Georgia, Docket No. 13659, File No. BP-12264; for construction permit.

On the Examiner's own motion; *It is ordered*, This 14th day of September 1960, that the hearing in the above-entitled proceeding now scheduled for October 3, 1960, be continued to a date to be determined at a pre-hearing conference to be held on October 3, 1960.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8782; Filed, Sept. 20, 1960;
8:50 a.m.]

[Docket No. 13757; FCC 60M-1550]

DON G. MORRISON

Order Scheduling Hearing

In the matter of Don G. Morrison, Texarkana, Texas, Docket No. 13757; order to show cause why there should not be revoked the license for Citizens Radio Station 8W1013.

It is ordered, This 14th day of September 1960, in accordance with the provisions of § 1.62 of the Commission's rules, that hearing in the above-entitled proceeding, which was scheduled for September 19, 1960, is hereby canceled.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8783; Filed, Sept. 20, 1960;
8:50 a.m.]

[Docket No. 13765; FCC 60M-1542]

PEOPLES BROADCASTING CORP.

Order Scheduling Hearing

In re application of Peoples Broadcasting Corporation, Trenton, New Jersey, Docket No. 13765, File No. BPH-3059; for construction permit (FM).

It is ordered, This 13th day of September 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 4, 1960, in Washington, D.C.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8784; Filed, Sept. 20, 1960;
8:51 a.m.]

[Docket Nos. 13599, 13600; FCC 60M-1528]

A. S. RIVIERE AND RADIO GEORGIA

Order Continuing Hearing

In re applications of A. S. RIVIERE, Barnesville, Georgia, Docket No. 13599,

File No. BP-12889; John P. Frew, Elizabeth H. Frew, Stephens B. McGarity and Leslie E. Gradick, Jr., d/b as Radio Georgia, Thomaston, Georgia, Docket No. 13600, File No. BP-13051; for construction permits.

The Hearing Examiner having under consideration a joint motion for continuance filed September 9, 1960, on behalf of both of the applicants herein requesting that the date for exchange of exhibits be postponed from September 12, 1960, to October 20, 1960; the date for notification of witnesses desired for cross-examination be continued from October 7, 1960 to November 16, 1960; and the date for the evidentiary hearing be continued from October 19, 1960 to November 29, 1960; and

It appearing that the reason for the requested continuance is the fact that an additional period of time is required in order to complete exhibits now scheduled to be exchanged between the parties; and

It further appearing that counsel for the Broadcast Bureau has consented to a grant of the instant motion and to a waiver of the provisions of Section 1.43 of the Commission's Rules to permit immediate consideration thereof, and good cause for the requested continuance having been shown;

It is ordered, This the 12th day of September 1960, that the joint motion for continuance is granted and the date for the exchange of exhibits is postponed from September 12, 1960 to October 20, 1960; the date for notification of witnesses desired for cross-examination is continued from October 7, 1960 to November 16, 1960; and the date for the evidentiary hearing is continued from October 19, 1960 to November 29, 1960.

Released: September 14, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8785; Filed, Sept. 20, 1960;
8:51 a.m.]

[Docket Nos. 13657, 13658; FCC 60M-1546]

**SKYLINE BROADCASTERS, INC., AND
EARL MCKINLEY TRABUE**

Order Continuing Hearing

In re applications of Skyline Broadcasters, Inc., Klamath Falls, Oregon, Docket No. 13657, File No. BP-12509; Earl McKinley Trabue, Myrtle Creek, Oregon, Docket No. 13658, File No. BP-13596; for construction permits.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered*, This 14th day of September 1960, that the hearing presently scheduled for October 3, 1960, is continued to November 14, 1960, at 10 o'clock a.m., in Washington, D.C.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8786; Filed, Sept. 20, 1960;
8:51 a.m.]

[Docket No. 13764; FCC 60M-1541]

**STEPHENS COUNTY BROADCASTING
CO. (WNEG)**

Order Scheduling Hearing

In re application of Stephens County Broadcasting Company (WNEG), Toccoa, Georgia, Docket No. 13764, File No. BP-12827; for construction permit.

It is ordered, This 13th day of September 1960, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on November 3, 1960, in Washington, D.C.

Released: September 15, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-8787; Filed, Sept. 20, 1960;
8:51 a.m.]

FEDERAL TRADE COMMISSION

[File No. 21-533]

PLEASURE BOAT INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Pleasure Boat Industry will be held under the auspices of the Federal Trade Commission on Monday, October 17, 1960, in South Hall, International Amphitheater, West 42d and South Halsted Streets, Chicago, Illinois, commencing at 1:00 p.m., c.d.t.

The conference will be held under the general supervision of the Honorable William C. Kern, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for this industry.

Members of this industry are persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of pleasure boats. Products of the industry consist of pleasure boats of all types (row boats, motor boats, sail boats, etc.), the length of which does not exceed 65 feet. Included are equipment and fixtures such as, but not limited to, engines, propellers, rigging and tanks, which are installed and are covered by the price at which the boats, so equipped, are offered for sale. Such equipment and fixtures are not to be considered as products of the industry when separately offered for sale.

The purpose of the conference which was authorized by the Commission pursuant to a joint application therefor by the Outboard Boating Club of America and the National Association of Engine and Boat Manufacturers, Inc., is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the Conference and take part in

the consideration and discussion of proposals or suggestions presented by others.

A draft of suggested rules, prepared by a member of the staff of the Commission's Division of Trade Practice Conferences with the cooperation of the applicant associations, will be used as a basis for discussion at the conference. Please note that these rules have not been considered or approved by the Commission.

After the conference on October 17th, and before any rules are finally approved by the Commission, a draft of proposed rules in appropriate form will be made available to all interested or affected parties including consumers and consumer organizations, upon public notice, affording them opportunity to present their views, criticisms, and suggestions regarding the proposed rules and to be heard at a public hearing in the matter to be announced by the Commission.

Issued: September 20, 1960.

By direction of the Commission.

[SEAL] ROBERT M. FARRISH,
Secretary.

[F.R. Doc. 60-8770; Filed, Sept. 20, 1960;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 137]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 16, 1960.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 12), ROADWAY EXPRESS, INC., P.O. Box 471, Akron 9, Ohio, filed August 25, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 41 and Interstate Highway 94, over Interstate High-

way 94 to the junction Interstate Highway 294, thence over Interstate Highway 294 to junction Edens Express Way, thence over Edens Express Way to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the junction of U.S. Highway 41 and Interstate Highway 94 over U.S. Highway 41.

No. MC 8902 (Deviation No. 5), THE WESTERN EXPRESS COMPANY, 1277 East 40th St., Cleveland 14, Ohio, filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71 over Interstate Highway 71 to Columbus, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Indianapolis over U.S. Highway 40 via Springfield and Lafayette, Ohio, to Columbus, Ohio, thence over U.S. Highway 23, to Delaware, Ohio, and thence over U.S. Highway 42 via Medina, Ohio, to Cleveland; from Indianapolis to Lafayette, Ohio, as specified above, thence over U.S. Highway 42 to Delaware, Ohio, and thence to Cleveland as specified above; from Indianapolis to Medina, Ohio as specified above, thence over Ohio Highway 18 to Akron, Ohio, and thence over Ohio Highway 8 to Cleveland, and return over the same routes.

No. MC 8963 (Deviation No. 1), WILSON MOTOR TRANSIT, P.O. Box 169, Middletown, Ohio, filed September 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *General commodities*, with certain exceptions, over a deviation route between Cincinnati and Dayton, Ohio, over Interstate Highway 75, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route between Cincinnati and Dayton over U.S. Highway 25.

No. MC 20207, (Deviation No. 3), CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham St. McKees Rocks, Pa., filed August 26, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to Dayton, Ohio and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Cincinnati over U.S. Highway 25 and Ohio Highway 4 to Dayton, and return over the same routes.

No. MC 30504 (Deviation No. 1), TUCKER FREIGHT LINES, INC., 1415 South Olive Street, South Bend, Ind.,

filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to the junction of U.S. Highway 20 in Indiana and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Elkhart, Ind., over U.S. Highway 20 via South Bend, Ind., to the junction of Indiana Highway 2, thence over Indiana Highway 2 to LaPorte, Ind., thence over U.S. Highway 35 to Michigan City, Ind., thence over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 20 to Chicago, Ill.; from Elkhart over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 112, thence over U.S. Highway 112 to Mottville, Mich. (also from Elkhart over Indiana Highway 120 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State Line, thence over U.S. Highway 131 to Mottville), thence over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 14 (formerly U.S. Highway 12) to junction Michigan Highway 56, thence over Michigan Highway 56 to Plymouth, Mich., thence return over Michigan Highway 56 to junction Michigan Highway 14, thence over Michigan Highway 14 to Detroit; from South Bend over U.S. Highway 31 to Niles, Mich., thence over Michigan Highway 40 to junction U.S. Highway 12, thence over U.S. Highway 12 to Battle Creek, Mich., thence over Michigan Highway 78 to Flint, Mich., and return over the same routes.

No. MC 30605 (Deviation No. 6), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Blvd., Chicago, Ill., filed September 2, 1960. Attorney F. J. Steinbrecher, 80 East Jackson Blvd., Chicago 4, Ill. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over the Gulf Freeway (U.S. Highway 75—Interstate Highway 45) to its junction with Texas Highway 6, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Houston over Texas Highway 35 to Alvin; from Galveston over Texas Highway 6 to junction U.S. Highway 90A, thence over U.S. Highway 90A to Rosenberg, and return over the same route.

No. MC 42487 (Deviation No. 8), CONSOLIDATED FREIGHTWAYS INCORPORATED OF DELAWARE, 9 First Street, San Francisco 5, Calif., filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route

as follows: From Flagstaff, Ariz., over Interstate Highway 17 to junction U.S. Highway 89, five miles northwest of Phoenix, Ariz., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Flagstaff over U.S. Highway 89 to its junction with Interstate Highway 17, and return over the same route.

No. MC 51255 (Deviation No. 2) HAECKL'S EXPRESS INCORPORATED, P.O. Box 2025, Terre Haute, Ind., filed August 29, 1960. The carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to Dayton, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Cincinnati over U.S. Highways 25 and Ohio Highway 4 and 73 to Dayton, and return over the same routes.

No. MC 109265 (Deviation No. 2), W. L. MEAD INC., P.O. Box 31, Norwalk, Ohio, filed August 29, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From Depew Interchange No. 49 of the New York Thruway over Interstate Highway 90 to Cleveland, Ohio, and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent authorized service routes as follows: From Boston over U.S. Highway 20 via Worcester, Mass., and Albany, Waterloo and Depew, N.Y., and Cleveland, Ohio to Norwalk, Ohio, thence over unnumbered highway to North Fairfield, Ohio, thence over unnumbered highway to Delphi, Ohio, thence over U.S. Highway 224 to Attica, Ohio, thence over Ohio Highway 4 to Marion, Ohio, and thence over U.S. Highway 23 to Columbus, Ohio; from Boston to Cleveland as specified above, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 18 to Norwalk, and thence as specified above to Columbus; from Boston over Massachusetts Highway 9 to Worcester, thence over Massachusetts Highway 12 to junction U.S. Highway 20, and thence as specified above to Columbus; from Boston to Waterloo as specified above, thence over New York Highway 96 via Pittsford, N.Y., to Rochester, N.Y., thence over New York Highway 33 to junction New York Highway 78, thence over New York Highway 78 to Depew, and thence as specified above to Columbus; from Boston to Pittsford as specified above, thence over New York Highway 252 to junction New York Highway 383, thence over New York Highway 383 to junction New York Highway 198, thence over New York Highway 198 to junction New York

Highway 33A, thence over New York Highway 33A to junction New York Highway 33, and thence as specified above to Columbus; from Boston to Albany as specified above, thence over New York Highway 5 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to junction U.S. Highway 20, near West Springfield, Pa., and thence as specified above to Columbus; from Boston to Cleveland as specified above, thence over Ohio Highway 10 to junction U.S. Highway 20 near Oberlin, Ohio, and thence as specified above to Columbus, and return over the same routes.

No. MC 109834 (Deviation No. 3), NOVICK TRANSFER CO. INC., 700 North Cameron Street, Winchester, Virginia, filed September 1, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *General commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 7 and 340 at Berryville, Va., over U.S. Highway 340 to junction Virginia Highway 277, and thence over Virginia Highway 277 to Stephens City, Va., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Berryville over Virginia Highway 7 (Alternate U.S. Highway 340) to junction U.S. Highway 11, thence over U.S. Highway 11 to Stephens City, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.
[F.R. Doc. 60-8767; Filed, Sept. 20, 1960;
8:48 a.m.]

[Notice 342]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 16, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1827 (Sub No. 36), filed June 23, 1960. Applicant: K. W. MCKEE, INCORPORATED, 2811 Highway 55, St. Paul 18, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Automobiles*, in secondary movements in truckaway service, from McKee Spur, Eagan Township, Dakota County, Minn., to site of Ford Motor Company assembly plant, St. Paul, Minn.

HEARING: November 4, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 1968 (Sub No. 73), filed April 28, 1960. Applicant: BRASWELL FREIGHT LINES, INC., 301 Reynolds Street, El Paso, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, and *general commodities*, except commodities of unusual value, livestock, household goods, commodities in bulk, and those requiring special equipment, (1) between Jackson, Miss., and Atlanta, Ga.: from Jackson over U.S. Highway 80 to junction U.S. Highway 11, thence over U.S. Highway 11 to Birmingham, Ala., and thence over U.S. Highway 78 to Atlanta, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Meridian, Miss., Tuscaloosa, Birmingham and Anniston, Ala., and Atlanta, Ga.; (2) between Birmingham, Ala. and Atlanta, Ga.: from Birmingham over U.S. Highway 11 to Gadsden, Ala., thence over U.S. Highway 411 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Atlanta, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Birmingham and Gadsden, Ala., and Atlanta, Ga.; (3) between Jackson, Miss., and Atlanta, Ga.: from Jackson over U.S. Highway 80 to Tuskegee, Ala., and thence over U.S. Highway 29, through Opelika, Ala., to Atlanta, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Meridian, Miss., Selma and Montgomery, Ala., and Atlanta, Ga.; (4) between Atlanta, Ga., and Tuskegee, Ala.: from Atlanta over Georgia Highway 85 to Manchester, Ga., thence over Alternate U.S. Highway 27 to Columbus, Ga., and thence over U.S. Highway 80 to Tuskegee, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Atlanta and Columbus, Ga.; and (5) between Opelika, Ala., and Columbus, Ga.: from Opelika over U.S. Highway 280 to Phenix City, Ala., and thence over U.S. Highway 80 to Columbus, and return over the same route, serving all intermediate points and all off-route points within 15 miles of Columbus, Ga.

NOTE: Applicant states it is wholly owned and controlled by Braswell Motor Freight Lines, Inc., No. MC 111383 and sub numbers thereunder; therefore, common control and management may be involved.

HEARING: November 28, 1960, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 340.

No. MC 5470 (Sub No. 15), filed September 1, 1960. Applicant: ERSKINE & SONS, INC., R.D. No. 2, Lowellville, Ohio. Applicant's attorney: Donald F. Billett, 718 Union National Bank Build-

ing, Youngstown, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities as are usually transported in dump trucks and can be unloaded by dumping*; between points in Erie County, Pa. and points in Ohio, New York, Indiana, West Virginia, Michigan, Illinois, New Jersey, and Kentucky.

HEARING: October 25, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 16831 (Sub No. 10), filed September 12, 1960. Applicant: LAVERNE W. SIMPSON, doing business as 2323 Delaware Avenue, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel articles*, as defined in Appendix V Descriptions in Motor Carrier Certificates Ex Parte MC-45, serving Portage, Ind. as an off-route point in connection with applicant's regular-route operations between Chicago, Ill., and Des Moines, Iowa, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above.

No. MC 22195 (Sub No. 78), filed July 11, 1960. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Orange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from AF POL Retail Distribution Station, Western Terminal Co., Grand Fords, N. Dak. to Minnesota Air National Guard, Duluth Municipal Airport, Duluth, Minn., and *rejected shipments on return*.

HEARING: November 3, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 24.

No. MC 32474 (Sub No. 26), filed August 9, 1960. Applicant: KEESHIN TRANSPORTATION SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; serving West Richfield, Ohio as an off-route point in connection with carrier's authorized regular-route operations.

NOTE: Applicant states the purpose is for interlining traffic with other carriers only. No pickup or delivery service will be performed.

HEARING: October 28, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 36076 (Sub No. 4), filed March 31, 1960. Applicant: W. A. RODEKUHR, E. A. RODEKUHR AND VERN RODEKUHR, doing business as RODEKUHR BROTHERS, Deer Creek,

Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring or washing compounds, shortening, including vegetable oil shortening, and foodstuffs, and related advertising matter and premiums* when moving therewith, from Deer Creek, Minn., to points in Minnesota located within fifty (50) miles of Deer Creek.

HEARING: November 4, 1960, in Room 926, Metropolitan Bldg., Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 145.

No. MC 48958 (Sub No. 48), filed June 6, 1960. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and commodities injurious or contaminating to other lading, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between Santa Fe, N. Mex., and junction New Mexico Highway 3 and the Colorado-New Mexico State line: from Santa Fe over U.S. Highway 285 to Riverside, N. Mex., thence over U.S. Highway 64 to Taos, N. Mex., and thence over New Mexico Highway 3 to the Colorado-New Mexico State line, and return over the same route, serving all intermediate points between Riverside and the Colorado-New Mexico State line on the above-described route.

HEARING: November 14, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 50069 (Sub No. 227), filed August 22, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compound*; from Trenton, Mich., to St. Louis, Mo.

NOTE: Applicant states the above commodity is under the trade name of "Sterox AP and AJ."

HEARING: November 9, 1960, at the Federal Building, Detroit, Mich., before Examiner Lacy W. Hinely.

No. MC 50069 (Sub No. 229), filed September 6, 1960. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., and points within five miles thereof, to points in Kentucky, Ohio and Tennessee.

HEARING: October 26, 1960, in Room 852, U.S. Custom House, 610 South Canal

Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 50069 (Sub No. 230) filed September 12, 1960. Applicant: REFINER TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Indiana, to points in Illinois, Maryland, Massachusetts, New York, Ohio, and Pennsylvania.

HEARING: October 10, 1960, in Room 712 Federal Building, Cincinnati, Ohio, before Examiner Robert A. Joyner.

No. MC 52657 (Sub-No. 598), (AMENDMENT), filed August 3, 1960, published in the FEDERAL REGISTER of August 12, 1960. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* (other than those designed to be drawn by passenger automobile), in initial truck-away service, from Uniontown, Fayette County, Pa., and points within 10 miles thereof, to all points in the United States, including Alaska, but excluding Hawaii, and (2) *Tank shells and tank bodies*, from Uniontown, Fayette County, Pa., and points within 10 miles thereof, to points in the United States, including Alaska, but excluding Hawaii.

HEARING: Remains as assigned October 3, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Reece Harrison.

No. MC 53676 (Sub No. 13), filed September 6, 1960. Applicant: VAN DITTO MOVING AND TRUCKING, INC., 69 Ovid Street, Seneca Falls, N.Y. Applicant's attorney: Herbert M. Canter, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, moving on Government bills of lading, from New York, N.Y., and points in Maryland, Massachusetts, New Jersey, and Pennsylvania to the site of Seneca Ordnance Plant at or near Romulus, N.Y.

NOTE: Applicant states that by this application it seeks reverse direction authority to and in addition to that already held.

HEARING: October 25, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 57513 (Sub No. 2), filed July 5, 1960. Applicant: D. A. HAMILTON, doing business as D. HAMILTON TRUCKING, 52 East Grace Street, Bedford, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,

between Twinsburg, Ohio, and Detroit, Mich.

HEARING: October 24, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 64932 (Sub No. 277), filed September 2, 1960. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, dry, in bulk, in specialized vehicles, and in shippers' specialized vehicles, between points in the St. Louis, Missouri-East St. Louis, Ill., Commercial Zone, on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin.

HEARING: November 4, 1960, at the U.S. Court House and Custom House, 1114 Market St., St. Louis, Mo., before Examiner John B. Mealy.

No. MC 70451 (Sub No. 219), filed September 7, 1960. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Edward G. Bazelon, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities requiring special equipment, and commodities in bulk, serving the Kaiser Gypsum Company plant site located approximately (3) miles east of U.S. Highway 85 and approximately 40 miles north of Albuquerque, N. Mex., as an off-route point in connection with applicant's regular route operations to and from Albuquerque, N. Mex., as set forth in Sub 102 in its Certificate No. MC 70451.

HEARING: September 30, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 71169 (Sub No. 5), filed August 2, 1960. Applicant: THE B & F TRANSFER COMPANY, a corporation, 1221 East Bowman Street, Wooster, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cleveland, Ohio and Wooster, Ohio, from Cleveland over U.S. Highway 21 to junction Ohio Highway 5, thence over Ohio Highway 5 to Wooster, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in

connection with applicant's regular route operations.

NOTE: Applicant states it proposes to use said route for the restricted purpose of effecting the interchange of traffic (otherwise authorized to be effected at Cleveland) at the terminals of connecting-line carriers which are located on U.S. Highway 21 between Cleveland and the junction of U.S. Highway 21 and Ohio Highway 18.

HEARING: October 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 77404 (Sub No. 13), filed August 2, 1960. Applicant: MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Cleveland, Ohio and the junction of U.S. Highway 21 and Ohio Highway 18, from Cleveland over U.S. Highway 21 to its junction with Ohio Highway 18, and return over the same route, serving no intermediate points. RESTRICTION: Applicant states said route shall be used solely for the purpose of effecting the interchange of traffic (otherwise authorized to be effected at Cleveland) at the terminals of connecting-line carriers which are located on the aforesaid segment of U.S. Highway 21.

HEARING: October 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 77424 (Sub No. 14), filed September 9, 1960. Applicant: WENHAM TRANSPORTATION, INC., 2723 Orange Avenue, Cleveland, Ohio. Applicant's representative: J. J. Kuhner, Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in that part of Indiana bounded on the west by the Lake-Porter County Line, on the south by U.S. Highway 20, on the east by Indiana Highway 49, and on the north by Lake Michigan, including the town or city of Portage, Ind., on the one hand, and, on the other, points in Illinois, Michigan, and Wisconsin.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Garland E. Taylor.

No. MC 77486 (Sub No. 17), filed May 9, 1960. Applicant: ADMIRAL TRANSIT, INC., 2523 Wabash Street, St. Paul, Minn. Applicant's attorney: Franklin R. Overmyer, Harris Bank Building, 111 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular

routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Duluth, Minn., and Eau Claire, Wis.: from Duluth over U.S. Highway 53 to Eau Claire, and return over the same route serving no intermediate or off-route points, as an alternate route for operating convenience only, in connection with applicant's authorized operations.

HEARING: November 9, 1960, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 142.

No. MC 80430 (Sub No. 97), filed September 12, 1960. Applicant: GATEWAY TRANSPORTATION CO., a corporation, La Crosse, Wis. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, and those requiring special equipment, serving Portage, Ind., as an off-route point in connection with applicant's authorized operations in Illinois, Iowa, Minnesota, Missouri, Wisconsin, Indiana, Ohio, Michigan, Pennsylvania, and New York.

HEARING: October 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Garland E. Taylor.

No. MC 83539 (Sub No. 70), filed September 9, 1960. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 NW. Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Silos*, knocked down or in sections. (B) *Component parts of silos*, including *silos loading, and unloading devices, and materials incidental to the erection and completion of silos*, when moving in connection with such silos, from Kankakee, Ill., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Tennessee, Texas and Utah.

HEARING: October 24, 1960, in Room 852 U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 86779 (Sub No. 26), filed May 16, 1960. Applicant: ILLINOIS CENTRAL RAILROAD COMPANY, a corporation, 135 East Eleventh Place, Chicago 5, Ill. Applicant's attorney: Urchie B. Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, in service auxiliary to and supplemental of rail and express service, confined to points which are

stations on the rail lines of applicant, (1) between Baton Rouge, La., and Clinton, La., over Louisiana Highway 67, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (2) between Baton Rouge, La., and Vicksburg, Miss., from Baton Rouge over Louisiana Highway 19 to the Louisiana-Mississippi State line, thence over Mississippi Highway 33 to Harrison, Miss., thence over U.S. Highway 61 to Vicksburg, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (3) between Baton Rouge, La., and Turnbull, Miss., from Baton Rouge over U.S. Highway 61 via Laurel Hill, La., to the Louisiana-Mississippi State line, thence continue over U.S. Highway 61 to Woodville, Miss., thence over unnumbered County Road to Turnbull, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (4) between Woodville, Miss., and McComb, Miss., from Woodville over Mississippi Highway 24 to junction Mississippi Highway 48 near Centerville, Miss., thence over Mississippi Highways 24 and 48 to McComb, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (5) between Woodville, Miss., and Fayette, Miss., over U.S. Highway 61, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (6) between Port Gibson, Miss., and Pattison, Miss., over Mississippi Highway 547, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (7) between Harrison, Miss., and Hermanville, Miss., over unnumbered County Road, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; (8) between Port Gibson, Miss., from Port Gibson over Mississippi Highway 18 via Hermanville and Carisle, Miss., to junction Mississippi Highway 18 and unnumbered Slide Road, thence over unnumbered Slide Road to Miles, Miss., thence return over unnumbered Slide Road to junction Mississippi Highway 18, thence over Mississippi Highway 18 to junction Mississippi Highway 18 and unnumbered Slide Road, thence over unnumbered Slide Road to Carpenter, Miss., thence return over unnumbered Slide Road to junction Mississippi Highway 18, thence over Mississippi Highway 18 to Utica, Miss., thence continue over Mississippi Highway 18 to junction Mississippi Highway 18 and unnumbered Slide Road, thence over said unnumbered Slide Road to Learned, Miss., thence continue over unnumbered Slide Road via Oakley and Raymond, Miss., to Jackson, and return over the same route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company; and (9) between Natchez, Miss., and Brookhaven, Miss., from Natchez over U.S. Highway 98 to junction U.S. Highway 84 near Bude, Miss., thence over U.S. Highway 84 to Brookhaven, and return over the same

route, serving all intermediate and off-route points which are stations on the Illinois Central Railroad Company.

NOTE: Applicant states that the authority sought above is proposed to be tacked to existing and pending rights at Jackson, Vicksburg, Brookhaven, and McComb, Miss., and Baton Rouge, La. Common control may be involved.

HEARING: October 24, 1960, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 28.

No. MC-95540 (Sub No. 330), filed April 7, 1960. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: November 4, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner David Waters.

No. MC 97726 (Sub No. 1), filed August 24, 1960. Applicant: AAA MOTOR LINES, INC., 1205 Reeves Street, Dothan, Ala. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: 1. *General commodities*, over regular routes, as follows: (a) Between Montgomery, Ala. and Dothan, Ala. over U.S. Highway 231; with alternate route between Troy and Brundidge, Ala. over U.S. Highway 29 and Alabama Highway 93 (formerly Alabama Highway 53). (b) Between Enterprise and Abbeville over Alabama Highway 27 via Ozark, Ewell and Echo, Ala. (c) Between Dothan, Ala. and Slocumb, Ala. over Alabama Highway 52 (formerly Alabama Highway 12). (d) Between Dothan, Ala. and Abbeville, Ala. over U.S. Highway 431 (formerly U.S. Highway 241) and over U.S. Highway 431 to Headland, Ala., thence over Alabama Highway 173 to junction Alabama Highways 27 and 173, thence over Alabama Highway 27 to Abbeville. (e) Between Ariton, Ala. and Eufala, Ala. over Alabama Highway 30 to Clayton, Ala., thence over Alabama Highway 51 to Ariton, Ala., via Clio, Louisville and Clayton. (f) Between Brundidge and Clio over Alabama Highway 10 serving all intermediate points. (g) Between Dothan, Ala. and Enterprise, Ala., over U.S. Highway 84. (h) Between Camp Rucker, Ala., and Newton, Ala., over Alabama Highway 134. (i) Between Ozark, Ala., and Clayhat-chiee, Ala., over Alabama Highway 85, via Camp Rucker, Ala. (j) Between Enterprise, Ala., and Rockyhead, Ala., over Alabama Highway 51 (formerly

Alabama Highway 30). (k) Between Abbeville, Ala. and Eufala, Ala., over U.S. Highway 431 (formerly U.S. Highway 241). (l) Between Clio, Ala., and Abbeville, Ala., over Alabama Highway 10 serving intermediate points. (m) Between Dothan, Ala. and Cottonwood, Ala., over Alabama Highway 53. (n) Between Birmingham, Ala., and Clanton, Ala., over U.S. Highway 31. 2. *General commodities*; except explosives and commodities injurious to other lading, over regular routes, as follows: (a) Between Clanton, Ala., and Childersburg, Ala., as follows: Commencing at Clanton, Ala. thence over U.S. Highway 31 to Calera, thence over Alabama Highway 25 to Harpersville; thence over U.S. Highway 231 to Childersburg. (b) Between Childersburg and the intersection of Alabama Highways 76 and 25 over U.S. Highway 231 to junction of Alabama Highway 76, thence over Alabama Highway 76 to junction of Alabama Highway 25, with service to all intermediate points. RESTRICTION: Closed doors between Clanton and Calera i.e. no freight is to be picked up or delivered between said points, including said points except Clanton and no freight picked up at Childersburg destined to Harpersville, or picked up at Harpersville destined to Childersburg. (c) Between Montgomery, Ala., and Clanton, Ala. as follows: Beginning at Montgomery via Alabama Highway 143 (formerly Alabama Highway 45) to intersection of Alabama Highway 143 with U.S. Highway 31, thence from said intersection to Clanton, Ala., via U.S. Highway 31, with service to and from all intermediate points. Between Clanton, Ala., over U.S. Highway 31 to Montgomery, Ala., with no service to or from intermediate points south of Verbena. 3. *General commodities*, except liquid commodities in bulk, in tank vehicles, over regular routes as follows: (a) Commencing at Slocumb, Ala. on Alabama Highway 52 (formerly Alabama Highway 12) thence over Alabama Highway 52 via Hartford, Geneva, Samson and Opp to Andalusia; thence to Florala via Alabama Highway 55; thence Florala to Opp over Alabama Highway 9 (formerly Alabama Highway 15); thence Opp over U.S. Highway 84 to Elba. (b) From Elba over U.S. Highway 84 to Enterprise. (c) From Elba, Ala., over Alabama Highway 87 (formerly Alabama Highway 15) to Troy, Ala. (d) From Florala, Ala., over Alabama Highway 54 to the intersection of Alabama Highway 52, about three miles northwest of Samson, Ala. (e) Serving off-route points of Shorterville and radius of eight miles including Dam Site in Alabama, over Alabama Highway 10. 4. *Cottonseed meal and hulls, grain, grain products, slag, brick, cement, tin sheets, general hardware items, nails, electric refrigerators, flour, feed, furniture, mattresses, plaster doors, sash and fertilizer*: Between Birmingham, Ala. and Clanton, Ala., via U.S. Highway 31 with service at intermediate points and with service to and from the following off-route points: Siluria, Montevallo and Helena, Ala. 5. *Cottonseed meal and hulls, agricultural implements, brick, paints, fertilizer, grain products, feed and drugs*: Between Montgomery, Ala.

and Clanton, Ala., via U.S. Highway 31 with intermediate service from Clanton to Verbena, Ala. and with no intermediate service south of Verbena. 6. *Cottonseed meal and hulls, grain products, feed, flour, peanuts, peanut meal and hulls*: Between Clanton and Selma, Ala., via Alabama Highway 22 with service at intermediate points. 7. *Household goods*: Between points and places in that part of Alabama which lies south of U.S. Highway 78 and north of U.S. Highway 80. 8. *Tractors*: Between Montgomery, Ala., and points located within a radius of 100 miles of Montgomery in truckloads only, minimum 5,000 pounds. 9. *Fresh farm produce*: (a) Between Montgomery and points and places located within a radius of 150 miles of Montgomery, in truckloads only, minimum 4,000 pounds. 10. *General commodities*, over regular routes, as follows: Between Abbeville, Ala., and Ft. Gaines, Ga., via Alabama Highway 10 to the boundary between Alabama and Georgia, thence over Georgia Highway 37 to Ft. Gaines, Ga.

NOTE: Paragraphs 1 through 9 of the above-described authority sought have been registered with the Interstate Commerce Commission in Docket No. MC 97726 under the Second Proviso of section 206(a)(1), Interstate Commerce Act. Paragraph 10 of the above described authority sought is for the purpose of extending an existing operation.

HEARING: November 7, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 99.

No. MC 102799 (Sub No. 6), filed August 19, 1960. Applicant: PACKAGE MESSENGERS, INC., 2939 West Page Street, Philadelphia 21, Pa. Applicant's attorneys: V. Baker Smith and Paul F. Barnes, Suite 601, 226 South Sixteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical supplies and materials*, both in packages not exceeding forty (40) pounds in weight, between East Whiteland Township, Chester County, Pa., on the one hand, and, on the other, points in Mercer, Burlington, Gloucester, and Camden Counties, N.J., and points in New Castle County, Del.

NOTE: Applicant states the proposed transportation is to be performed under a continuing contract with Wyeth Laboratories Division of American Home Products Corporation.

HEARING: November 9, 1960, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Abraham J. Essrick.

No. MC 103051 (Sub No. 98), filed July 14, 1960. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Lard*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Virginia and Kentucky.

HEARING: November 2, 1960, at the Dinkler-Andrew Jackson Hotel, Nash-

ville, Tenn., before Joint Board No. 277, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 103880 (Sub No. 208), filed September 9, 1960. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except benzol, toluol and xylol), in bulk, in tank vehicles, from points in Boyd County, Ky., (excluding Ashland, Ky.) to points in Indiana, Illinois, Michigan, and Ohio.

HEARING: October 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 106223 (Sub No. 54), filed February 26, 1960. Applicant: GREEN-LEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex*, liquid, in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan.

NOTE: Applicant states that no duplication of authority is sought.

HEARING: October 26, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108053 (Sub No. 25), filed July 25, 1960. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Donald L. Stern, Suite 924, City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and commodities used by packing houses*, as defined in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Fremont, Nebr., to Austin, Minn., and rejected shipments, on return.

HEARING: November 7, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 182.

No. MC 108446 (Sub No. 24), filed August 24, 1960. Applicant: FISCHBACH TRUCKING CO., 921 Sherman Street, Akron, Ohio. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which by reason of their size or weight require the use of special equipment for the transportation thereof*; between points in Summit County, Ohio, on the one hand, and, on the other, points in the United States in and east of the States of Texas, Oklahoma, Colorado, Nebraska, New Mexico, North Dakota and South Dakota.

NOTE: (1) A proceeding has been instituted under Section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common

carrier in MC-108446 (Sub No. 17). Dual operations may be involved. (2) Applicant states he does not seek duplicating authority.

HEARING: October 28, 1960, at the old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108446 (Sub-No. 25), filed August 29, 1960. Applicant: FISCHBACH TRUCKING CO., 921 Sherman Street, Akron, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities or merchandise as is manufactured, processed or dealt in by rubber or rubber products manufacturers*, and in connection therewith *equipment, materials and supplies* used in the conduct of such business; between Medina, Ohio and a radius of 5 miles thereof, on the one hand, and, on the other, Chicago Heights, Ill., points in the Chicago, Ill. commercial zone as defined by the Commission, Clarksville, Tenn., West Helena, Ark., points in Massachusetts, Connecticut, New Jersey, Rhode Island, those in that portion of New York on the east of a line extending in a southerly direction along the St. Lawrence River to Alexandria Bay, N.Y., thence along New York Highway 12 to Binghamton, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, and those in Pennsylvania on and east of a line running along U.S. Highway 111, from the Maryland-Pennsylvania State line to Harrisburg, Pa., thence along U.S. Highway 11 to the New York-Pennsylvania State line.

NOTE: A proceeding under section 212(c) is pending in No. MC-50132 (Sub-No. 17) to determine whether applicant's status is that of a common or contract carrier.

HEARING: November 2, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 108449 (Sub No. 105), filed August 1, 1960. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles; from Grand Forks, N. Dak. and points within a radius of 10 miles thereof, to points in Carlton, Cook, Lake, and St. Louis Counties, Minn.

NOTE: Common control may be involved.

HEARING: November 3, 1960, in Room 926, Metropolitan Bldg., Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 24.

No. MC 109265 (Sub No. 10), filed August 5, 1960. Applicant: W. L. MEAD, INC., Cleveland Road, P.O. Box 31, Norwalk, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk,

and those requiring special equipment, between Norwalk, Ohio and Sandusky, Ohio, over U.S. Highway 250, serving all intermediate points.

NOTE: Applicant states that authority to be granted is to be restricted to the transportation of traffic which is interchanged with other motor carriers.

HEARING: October 26, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 109540 (Sub No. 21), filed July 20, 1960. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hogsheads, hogshead materials and facilities, and empty containers or other such incidental facilities* (not specified), used in transporting hogsheads or hogshead materials, between points in Florida, Alabama, Georgia, North Carolina, South Carolina, Virginia, Maryland, Indiana, Ohio, Tennessee and Kentucky.

HEARING: October 27, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 109540 (Sub No. 22), filed August 12, 1960. Applicant: YEARY TRANSFER COMPANY, INC., Boonesboro Pike, Winchester, Ky. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Mississippi, Missouri, North Carolina, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 26, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 111138 (Sub No. 24), filed July 25, 1960. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway West, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and commodities used by packing houses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Austin, Minn. and Fort Dodge, Iowa.

HEARING: November 7, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 146.

No. MC 111170 (Sub No. 64), filed July 14, 1960. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gases*, in bulk, in tank vehicles, from West Memphis, Ark., to points in Alabama,

Mississippi, Missouri, Kentucky, Georgia, Illinois, and Tennessee. (2) *Soy bean oil*, in bulk, in tank vehicles, from Stuttgart, Ark., to points in Louisiana, Texas, Oklahoma, Kansas, Missouri, Illinois, Kentucky, Tennessee, and Mississippi.

HEARING: October 7, 1960, at the Claridge Hotel, Memphis, Tenn., before Examiner James O'D. Moran.

No. MC 111397 (Sub No. 32), filed July 18, 1960. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire brick, tile, refractory material and other accessories* used in the building and maintenance of coke ovens from points in Tennessee, Missouri, Illinois, Pennsylvania, Indiana, Huntington, W. Va. and Augusta, Ky. and Ohio (except the following: Clay County, Ind., and points in Elizabeth Township in Lawrence County, Ohio, and points in Jackson County, Ohio within 15 miles of Oak Hill and points within 10 miles of the Ohio River), to points in Calvert City and Marshall County, Ky., between U.S. Highway 62 and the Tennessee River.

HEARING: October 25, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 111397 (Sub No. 33), filed July 18, 1960. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Broadway at Seventeenth, Box 1282, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Maury County, Tenn., to points in Illinois, Indiana, Kentucky, Missouri, Alabama, Georgia, Mississippi and Arkansas.

HEARING: October 25, 1960, at the Kentucky Hotel, Louisville, Ky., before Examiner David Waters.

No. MC 111623 (Sub No. 29), filed July 11, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co. Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and in packages, (1) from the distribution plant of the Alpha Portland Cement Company, located in or near Cincinnati, Ohio to (a) points in Ohio; (b) points in Wells, Adams, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Hamilton, Boone, Hendricks, Marion, Hancock, Henry, Wayne, Union, Fayette, Rush, Franklin, Decatur, Ohio, Shelby, Johnson, Morgan, Monroe, Brown, Bartholomew, Dearborn, Ripley, Jennings, Jackson, Lawrence, Scott, Jefferson, Switzerland, Washington, Clark, Floyd, Harrison and Orange Counties, Ind.; (c) points in Boone, Kenton, Campbell, Trimble, Carroll, Gallatin, Grant, Pendleton, Bracken, Mason, Lewis, Greenup,

Boyd, Carter, Elliott, Rowan, Morgan, Jackson, Estill, Powell, Menifee, Fleming, Robertson, Nicholas, Bourbon, Clark, Montgomery, Scott, Harrison, Madison, Garrard, Lincoln, Boyd, Franklin, Fayette, Owen, Henry, Oldham, Jefferson, Bullitt, Bath, Anderson, Mercer, Washington, Marion, Nelson, Shelby, Woodford, Jessamine and Spencer Counties, Ky. (2) From the distribution plant of the Marquette Cement Mfg. Company, located in or near Cincinnati, Ohio to points in Ohio, Indiana and Kentucky. (3) *Empty containers or other such incidental facilities* (not specified) used in transporting cement, from the above-destination points to their respective origin points.

NOTE: Applicant states it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin Corporation. Common control may be involved.

HEARING: October 25, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 111623 (Sub No. 30), filed July 21, 1960. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Schwerman Trucking Co. Legal Department (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from the site of Can Run Power Plant located in or near Louisville, Ky. to Captain Anthony Meldahl Locks Project, two miles west of Chilo, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return. RESTRICTION: Applicant states the proposed operation is limited to a transportation service to be performed under a continuing contract or contracts with Groves Ventures Co.

NOTE: Applicant indicates it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin Corporation.

HEARING: October 24, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 112223 (Sub No. 52), filed July 21, 1960. Applicant: QUICKIE TRANSPORT CO., a corporation, 1121 South Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fat and tallow* in bulk, in tank vehicles, from points in Hennepin, Ramsey and Dakota Counties, Minn., to Barron, Wis., and *rejected shipments and empty containers or other such incidental facilities* (not specified), on return.

HEARING: November 9, 1960, in Room 926, Metropolitan Building, Second Ave. South and Third, Minneapolis, Minn., before Joint Board No. 142.

No. MC 112617 (Sub No. 75), filed August 31, 1960. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville, Ky. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Crossville, Ill., to points in Kentucky, Ohio, and Tennessee, and rejected shipments on return.

HEARING: October 26, 1960, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner John B. Mealy.

No. MC 113388 (Sub No. 30) (REPUBLICATION), filed August 24, 1960, published in the FEDERAL REGISTER, issue of September 14, 1960. Applicant: LESTER C. NEWTON TRUCKING COMPANY, a corporation, P.O. Box 265, Bridgeville, Del. Applicant's attorney: H. Charles Ephraim, 1001 Fifteenth Street NW., Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Bergen, Essex, Union and Hudson Counties, N.J. to points in North Carolina, points in that part of Maryland on and east of U.S. Highway 1, points in that part of Virginia on and east of U.S. Highway 11, Wilmington, Georgetown and Milton, Del., and Washington, D.C.

NOTE: The purpose of this republication is to note that this application is to eliminate the gateway of Dover, Del., inadvertently omitted from the previous publication.

HEARING: Remains as assigned October 28, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Cunningham.

No. MC 114046 (Sub No. 6), filed August 8, 1960. Applicant: LEONARD WEST, 308 Wolcott Street, Iron Mountain, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building Menominee, Mich. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: *Malt beverages*, and empty containers or other such incidental facilities, used in transporting the above-described commodities; between Chicago, Ill. and Escanaba, Mich.

HEARING: November 17, 1960, at the Federal Building, Lansing, Mich., before Examiner Lacy W. Hinely.

No. 114091 (Sub No. 28), filed August 4, 1960. Applicant: DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South Seventh Street Road, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville 2, Ky. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Floyd and Pike Counties, Ky. to points in Virginia and West Virginia (except Huntington and Kenova, W. Va. and points in Kanawha County, W. Va.)

HEARING: October 28, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 263, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 115311 (Sub No. 29), (AMENDMENT) filed August 29, 1960, published in the FEDERAL REGISTER, issue of Septem-

ber 14, 1960. Applicant: J & M TRANSPORTATION CO., INC., P. O. Box 894, Americus, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash*; (a) from points in Georgia, to points in Alabama, Florida and South Carolina, and (b) from Wilsonville, Ala., to points in Georgia, Florida and South Carolina.

NOTE: The purpose of the republication is to add (b) above.

HEARING: Remains as assigned November 10, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Commissioner Rupert L. Murphy.

No. MC 115499 (Sub No. 4), filed March 11, 1960. Applicant: LOWER LAKES CARRIER, INC., 411 North State Street, Painesville, Ohio. Applicant's attorney: James H. Nacey, 609 Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in containers (1) from Ashtabula, Ohio, to points in New Jersey and Maryland, and (2) from Niagara Falls, N.Y., to points in New Jersey and Maryland, and empty containers used in transporting calcium carbide, on return.

HEARING: October 26, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 115841 (Sub No. 71), filed September 1, 1960. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, Box 2169, Birmingham, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, except frozen fruits, vegetables and berries in straight shipments, from Nashville, Tenn., to points in Delaware, District of Columbia, Maryland, Virginia (except Bristol, Va.), and West Virginia, north of U.S. Highway 60.

HEARING: October 24, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 116204 (Sub No. 2) (AMENDMENT), filed May 9, 1960, published in the FEDERAL REGISTER, issue of June 29, 1960. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Davidson County, Tenn., to points in Colbert, Lauderdale, Lawrence, Madison, Limestone, and Jackson Counties, Ala., and rejected or damaged shipments of fertilizer, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its Nashville, Tenn., plant. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 118883; therefore, dual operations may be involved.

HEARING: November 3, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106, or, if the Joint Board waives its right to

participate, before Examiner David Waters.

No. MC 116702 (Sub No. 12), filed July 18, 1960. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Sodium sesquicarbonate*, in bulk and/or bags, in van (hopper-type) trailers, equipped to load through the roof and unload through the floor, as well as having rear doors for unloading bag material, and bicarbonate of soda, in bags and bulk, in hopper vehicles equipped to unload bulk at the bottom and to accommodate bag shipments at the same time, if required, from Syracuse, N.Y., to ports of entry on the International Boundary line between the United States and Canada on the Niagara River; (2) *veneer* (a wood product), from Lynchburg and Portsmouth, Va., Edinburg and Indianapolis, Ind., and Martinsburg, W. Va., to ports of entry on the International Boundary line between the United States and Canada at Detroit and Port Huron, Mich.; and (3) *urea*, in bulk and/or bags, in hopper vehicles equipped to unload bulk urea at the bottom (including air suction), and racks to accommodate bag shipments at the same time, if required, from ports of entry on the International Boundary line between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Michigan, Ohio, Indiana Illinois and those in Kenosha, Racine, and Milwaukee Counties, Wis.

HEARING: November 7, 1960, at the Federal Building, Detroit, Michigan, before Examiner Lacy W. Hinely.

No. MC 117344 (Sub No. 55), filed August 3, 1960. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Cincinnati, Ohio, to all points in Illinois, and only empty containers and other such incidental facilities (not specified) on return.

NOTE: Dual authority under section 210, may be involved.

HEARING: October 26, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 117772 (Sub No. 3), filed September 2, 1960. Applicant: JOHN E. MORRIS, doing business as MORRIS ELEVATOR, 503 East Main Street, Bushnell, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Feed* (animal or poultry) and ingredients thereof, in bulk; from Peoria, Ill., to points in Indiana.

HEARING: November 1, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

No. MC 118968 (Sub No. 1), filed June 17, 1960. Applicant: JAMES E. SNOW, doing business as SNOW BROTHERS TOWING COMPANY, 2401 Denison Avenue, Cleveland, Ohio. Applicant's attorneys: Ewald E. Kundtz and Stephen E. Parker, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wrecked, disabled, abandoned, or refused motor vehicles*, by use of wrecker equipment only; (b) *repair parts of or for motor vehicles specified in (a) above*; (c) *replacement motor vehicles for wrecked or disabled motor vehicles*, by use of wrecker equipment only and (d) *rejected, damaged, or returned repair parts*, between Cleveland, Ohio, on the one hand, and, on the other, points in New York, Pennsylvania, the Lower Peninsula of Michigan, Indiana, and Illinois.

NOTE: Applicant proposes to transport *Rejected, damaged, or returned repair parts, or wrecked or disabled motor vehicles* by wrecker equipment only when replacement motor vehicles have been substituted therefor under (c) above, on return movements.

HEARING: October 24, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 118988 (Sub No. 1) (AMENDMENT), filed July 9, 1959, published in the FEDERAL REGISTER, issue of February 10, 1960. Applicant: DUFFY, INC., 1216 Centre Street, P.O. Box 94, Traverse City, Mich. Applicant's attorney: Kenneth E. Thompson, State Bank Building, Traverse City, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass boats*, 12' to 19' in length, and *parts thereof*, uncrated, in special equipment, (1) from Holland and Traverse City, Mich., to points in Michigan; and (2) between Holland, Traverse City and Detroit, Mich., and Buffalo, N.Y., on the one hand, and, on the other, points in New York, Illinois, Virginia, Mississippi, Alabama, Texas, Louisiana, Arkansas, Maryland, Oklahoma, Indiana, Missouri, Ohio, Wisconsin, Tennessee, Kentucky, Massachusetts, Minnesota, West Virginia, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Michigan.

NOTE: Applicant states it proposes to transport the above-specified commodities under a continuing contract with Parsons Corporation, Traverse City, Mich., the shipper.

HEARING: November 16, 1960, at the Federal Building, Lansing, Michigan, before Examiner Lacy W. Hinely.

No. MC 119268 (Sub No. 8), filed September 2, 1960. Applicant: OSBORN, INC., 124 Court Street, Gadsden, Ala. Applicant's Practitioner: Robert E. Tate, 2031 9th Avenue, South, Birmingham 5, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles*, distributed by *meatpacking houses* as described in Subdivision A and

C of Appendix 1, to the Report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209, (706) from Whitehall and LaCrosse, Wis., to points in Alabama, California, Florida, Georgia, Tennessee, Kentucky, Texas, North Carolina and South Carolina and *exempt commodities*, on return.

HEARING: October 10, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 119705, Filed April 25, 1960. Applicant: RICHARD K. MAXSON, doing business as MAXSON TRUCKING COMPANY, 9750 Broughwell Road, Rives Junction, Mich. Applicant's attorney: Haskell L. Nichols, 401 Dwight Building, Jackson, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel commodities*, (1) between points in Indiana, Ohio and Pennsylvania. (2) Between points in Michigan, and points in Indiana, Ohio and Pennsylvania.

HEARING: November 10, 1960, at the Federal Building, Lansing, Michigan, before Examiner Lacy W. Hinely.

No. MC 119772 (Sub No. 3), filed July 27, 1960. Applicant: BEVERAGE TRANSPORTATION, INC., 2158 Hamilton Avenue, Cleveland 14, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, between Cleveland, Ohio and points in Missouri (except St. Louis, Mo.), including Kansas City, Kans., (2) *Malt beverages and ale*, in containers from Peoria, Ill., to points in Ohio, on and north of U.S. Highway 30, and (3) *spoiled malt beverages, containers and pallets* on return in connection with (1) above, and *spoiled malt beverages, containers and pallets*, also *advertising matter* not to exceed one percent of total weight of shipment on return in connection with (2) above.

HEARING: October 25, 1960, at the Old P.O. Building, Cleveland, Ohio, before Examiner Lacy W. Hinely.

No. MC 119852 filed July 5, 1960. Applicant: THE W. H. FAY COMPANY, a corporation, 3020 Quibley Avenue, Cleveland 13, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Twinsburg, Ohio and Detroit, Michigan.

HEARING: October 24, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 119915 (Sub No. 1), filed July 29, 1960. Applicant: RAY MOORE, doing business as MOORE TRUCKING CO., R.F.D. No. 2, Morehead, Ky. Applicant's attorney: Jack F. Mattingly, Citizens Union National Bank Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Bulk charcoal*, in loose form, from Haldeman, Ky., to Parsons, W. Va.

HEARING: October 28, 1960, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 10, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 123006, filed August 22, 1960. Applicant: FRANK MERRITT, Omaha, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk, *insecticides, fungicides and animal medicines, fertilizer, animal and poultry sanitation products and farm supplies*, from the St. Louis, Mo. Commercial Zone, as defined by the Commission, to points in Gallatin County, Ill., and *refused and returned shipments* of the above-described commodities, on return.

NOTE: Applicant states he will also transport ordinary livestock and other exempt agricultural commodities, on return.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123007, filed August 22, 1960. Applicant: OVAL A. LEWIS, doing business as OVAL A. LEWIS TRUCK SERVICE, 15 Midkiff Street, Harrisburg, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk, *insecticides, fungicides and animal medicines, fertilizer, animal and poultry sanitation products and farm supplies*, from the St. Louis, Mo. Commercial Zone, as defined by the Commission, to points in Saline, Pope, Hardin and Johnson Counties, Ill., and *refused and returned shipments* of the above-described commodities, on return.

NOTE: Applicant states it also proposes to transport livestock and exempt commodities, on return.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123008, filed August 22, 1960. Applicant: JOHNNIE LEHMAN DIXON, doing business as J. L. DIXON, Enfield, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk; *insecticides, fungicides, and animal medicines; fertilizer; animal and poultry sanitation products and farm supplies*, from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in White and Hamilton Counties, Ill., and *refused and returned shipments* of the above-specified commodities, *livestock, and exempt commodities*, on return movements.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123010, filed August 22, 1960. Applicant: PAUL SEEL, doing business as SEEL'S TRANSFER, 302 North Madison Street, Benton, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and bulk; *insecticides, fungicides, and animal medicines; fertilizer; animal and poultry sanitation products and farm supplies*, from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, to points in Franklin County, Ill., and *refused and returned shipments* of the above-specified commodities, *livestock*, and *exempt commodities*, on return movements.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123013, filed August 22, 1960. Applicant: CLIFFORD A. KELLERMAN, 340 South Mill Street, Pinckneyville, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, in bags and in bulk; (2) *insecticides, fungicides and animal medicines*; (3) *fertilizer*; (4) *animal and poultry sanitation products and farm supplies*; from points in the St. Louis, Mo. Commercial Zone, as defined by the Commission, to all points in Perry County, Ill. and (5) *Livestock, exempt commodities, refused and return shipments*, on return, in connection with (1) thru (4) above.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123014, filed August 22, 1960. Applicant: CLAUDE FLOWERS and RONALD FLOWERS, doing business as FLOWERS TRUCK SERVICE, 622 North 15th Street, Murphysboro, Ill. Applicant's attorney: William D. Stiehl, 20 South Illinois Street, Belleville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular, transporting: (1) *Animal and poultry feed*, in bags and in bulk; (2) *Insecticides, fungicides and animal medicines*; (3) *fertilizers*; (4) *animal and poultry sanitation products and farm supplies*; from points in the St. Louis, Mo. Commercial Zone, as defined by the Commission, to all points in Jackson, Union, Pulaski, Alexander and Williamson Counties, Ill. and (5) *livestock, exempt commodities, refused and return shipments*, on return, in connection with (1) through (4) above.

HEARING: October 31, 1960, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 135.

No. MC 123031, filed August 29, 1960. Applicant: EVERETT D. GRIFFITH, doing business as GRIFFITH DISTRIBUTING COMPANY, 258 East Ferguson Avenue, Wood River, Ill. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *contract*

carrier, by motor vehicle, over irregular routes, transporting: *Liquors, malt*, namely ale, beer, beer tonic, porter or stout, in containers, from Milwaukee, Wis., to points in Madison County, Ill., and *empty containers or other such incidental facilities*, used in transporting the above described commodities, on return.

HEARING: November 2, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 13.

No. MC 123053, filed September 7, 1960. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON, SPECIALIZED HAULER, U.S. 41 South, Box 4141, Madisonville, Ky. Applicant's attorney: Fred F. Bradley, Seventh Floor, McClure Building, Box 127, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Iron or steel silos*, glass enameled or galvanized, knocked down or in sections. (B) *Component parts of iron or steel silos*, including silos loading and unloading devices, and materials incidental to the erection and completion of silos, when moving in connection with such silos; between Kankakee, Ill., and points in the Kankakee Commercial Zone, on the one hand, and, on the other, points in Indiana, Kentucky, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

HEARING: October 24, 1960, at Room 852 U.S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner John B. Mealy.

APPLICATION FOR BROKERAGE LICENSE MOTOR CARRIER OF PASSENGERS

No. MC 12738, filed August 15, 1960. Applicant: ONEITA R. AUSTIN, doing business as ONEITA AUSTIN TOURS, 1130 Jefferson Avenue, Idaho Falls, Idaho. Applicant's attorney: John M. Sharp, Professional Building, Memorial and B Streets, P.O. Box 107, Idaho Falls, Idaho. Authority sought to operate as a *BROKER (BMC 5)*, at Idaho Falls, Idaho, in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Groups of passengers and their baggage*, in round-trip tour operations, beginning and ending at Idaho Falls, Idaho, and extending to all points in the United States, including Alaska and Hawaii.

HEARING: October 6, 1960, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Commissioner Abe McGregor Goff.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3281 (Sub No. 6), filed September 6, 1960. Applicant: JACK F. POWELL and C. K. POWELL, a partnership, doing business as POWELL TRUCK LINE, Searcy, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought

to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and commodities requiring special equipment, (1) between Little Rock, Ark. and Searcy, Ark., from Little Rock over Arkansas Highway 5 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction Arkansas Highway 36, thence over Arkansas Highway 36 to Searcy, and return over the same route, serving all intermediate points on and within 5 miles of said described highways. (2) Between Beebe and Heber Springs, Ark., from Beebe over Arkansas Highway 31 to junction Arkansas Highway 5, thence over Arkansas Highway 5 to junction Arkansas Highway 25, thence over Arkansas Highway 25 to Heber Springs, and return over the same route, serving all intermediate points on and within 5 miles of said described highways. (3) Between Judsonia and Plain View (White County), Ark., from Judsonia over Arkansas Highway 157 to Plain View (White County), and return over the same route, serving all intermediate points on and within 5 miles of said described highway. (4) Between Beebe, Ark. and the junction of U.S. Highway 64 with Arkansas Highway 5, from Beebe over U.S. Highway 64 to the junction of Arkansas Highway 5, and return over the same route, serving all intermediate points on and within 5 miles of said described highways. (5) Points on Arkansas Highways 25, 5, and 16 within 10 miles of Heber Springs, Ark.

NOTE: Applicant states any duplication with present authority to be eliminated.

No. MC 29130 (Sub No. 89) (CORRECTION), filed August 17, 1960, published FEDERAL REGISTER issue of August 31, 1960, at page 8354. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines, Iowa. Applicant's attorney: J. H. Martin, 500 Bankers Trust Building, Des Moines 9, Iowa. Previous publication in Item (2) of the route description indicated that the proposed operations over an alternate route, for operating convenience only, between Iowa City, Iowa and junction Iowa Highway 92, would be conducted over U.S. Highway 28 in error. The correct designation of the highway to be utilized is U.S. Highway 218.

No. MC 66562 (Sub No. 1713), filed September 8, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Sheffield, Ala. and Russellville, Ala., from Sheffield over U.S. Highway 43 to Russellville, and return over the same route, serving no intermediate points. RESTRICTIONS: (1) The service to be performed by applicant shall be limited

to service which is auxiliary to or supplemental of air or rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 66562 (Sub No. 1714), filed September 8, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N.Y. Applicant's attorney: Robert Boozer, Suite 1220; The Citizens & Southern National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Mobile and Camden, Ala., (1) from Mobile, over U.S. Highway 31 to Brewton, Ala., thence over Alabama Highway 41 to Camden, and return over the same routes serving the intermediate points of Bay Minette, Atmore, Flomaton, Brewton and Monroeville, Ala. and (2) from Atmore, Ala. over Alabama Highway 41 to junction with Alabama Highway 41; and return over the same route, serving no intermediate points. **RESTRICTIONS.** (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail service to applicant; (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or subsequent movement by rail or air, and (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 80430 (Sub-No. 96), filed September 6, 1960. Applicant: GATEWAY TRANSPORTATION CO., a corporation, 2130 South Avenue, LaCrosse, Wis. Applicant's attorney: Charles L. Redel, P.O. Box 851, LaCrosse, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers, of Household Goods, 17, MCC 467, commodities in bulk, and those requiring special equipment, serving the plant site of Amoco Chemicals Corporation approximately four miles southeast of the Junction of U.S. Highways 6 and 66 near Joliet, as an off-route point in connection with applicant's authorized regular route operations, between St. Paul, Minn. and Chicago, Ill.

No. MC 106965 (Sub No. 150), filed September 6, 1960. Applicant: M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 1825 Jeffer-

son Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils*, in bulk, in tank vehicles; from points in Georgia, North Carolina, and South Carolina, to Bayonne, N.J.

NOTE: (1) Common control may be involved. (2) Applicant has pending in MC-112563 (Sub 1), application for contract authority, therefore dual operations may be involved. (3) Applicant states that, upon issuance of authority to transport edible oils to Bayonne from the points from which it now has authority to transport soybean oil or cottonseed oil, the latter authority may be cancelled.

No. MC 107002 (Sub No. 158), filed September 9, 1960. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from New Orleans, La., to points in Florida and Georgia.

No. MC 111231 (Sub No. 42), filed September 12, 1960. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's Representative: B. J. Wiseman (same address as shown above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Jonesboro and Cash, Ark.; from Jonesboro over U.S. Highway 63 to its junction with Arkansas State Highway 18, thence over Arkansas State Highway 18 to Cash, return over the same routes serving all intermediate points.

No. MC 114067 (Sub No. 17), filed September 8, 1960. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Encinal Terminal, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible animal fats and oils*, in bulk, from points in Madera County, including the City of Madera, Calif., to docks, piers and dockside storage within the San Francisco Commercial Zone, particularly including Encinal Terminals, Alameda, Calif.

No. MC 116886 (Sub No. 8), filed September 8, 1960. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products, dairy products, and articles distributed by meat packing houses*, as defined in Groups A, B, and C of Appendix I, *Descriptions in Motor*

Carrier Certificates, 61, M.C.C. 209, 766, from Asheville, N.C., to points in Alexander, Burke, Caldwell, Catawba, Iredell and Lincoln Counties, N.C., and *rejected or refused shipments*, on return.

No. MC 119896 (Sub No. 1), filed September 12, 1960. Applicant: JAMES A. GOULD, 751 Sandwich Drive, Cooksville, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*; from ports of entry on the International Boundary between the United States and Canada on the Niagara River to points in New York on and west of a line beginning at Oswego, N.Y. and extending along New York Highway 57 to Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

No. MC 119978 (Sub No. 1), filed September 12, 1960. Applicant: DONALD RUFENER and ELDON SHOWALTER, doing business as DAKOTA FILM SERVICE, Lake Benton, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baker's yeast, malt syrup, and yeast food*, from Sioux Falls, S. Dak., to Tyler, Lake Benton, Hendricks, Slayton, Fulda, Tracy, and Marshall, Minn.

No. MC 123052, filed September 8, 1960. Applicant: RYAN TRANSFER AND STORAGE, INC., 888 Mackubin Street, St. Paul, Minn. Applicant's attorney: Edward J. Gearty, 1100 West Broadway, Minneapolis 11, Minn. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities and shipper-owned trailers*, but excluding articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Minnesota. **RESTRICTION:** The service to be performed by applicant will be limited to service which is auxiliary to or supplemental of rail service; and (2) *trailers for the railroads, loaded or unloaded, from points in Minnesota to points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, for loading on railroad freight cars for transportation in Interstate Commerce by the railroad.*

NOTE: Applicant states that the above will be transported in motor trailers on freight cars as piggy-back operation.

No. MC 123066, filed September 12, 1960. Applicant: ROBERT R. WEIR, Box 196, La Veta, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dairy products, including milk (exempt) with cottage cheese, butter, ice cream, ice cream mix, sherbet, chocolate, milk, onion dip, orange drink, grape drink and ice (non-exempt) in the*

same load, from Pueblo, Colo. to Raton, N. Mex. over U.S. Highway 85-57, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified above, on return.

MOTOR CARRIER OF PASSENGERS

No. MC 1501 (Sub No. 203), filed September 6, 1960. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, between Searchlight Junction, Calif., and Searchlight, Nev., over U.S. Highway 95, in special operations only, serving no intermediate points, but serving the California-Nevada State line and Searchlight Junction for joinder purposes only.

NOTE: Duplication with present authority to be eliminated.

No. MC 13300 (Sub No. 67), filed September 2, 1960. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 "E" Street, NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Kenly, N.C., and Fayetteville, N.C., (a) from Kenly over Interstate Highway 95 to Fayetteville, and return over the same route, serving all intermediate points; (b) from the Benson Interchange, Interstate Highway 95, over North Carolina Highway 50 to Benson, N.C., and return over the same route, serving all intermediate points; and (c) from the Dunn Interchange, Interstate Highway 95, over U.S. Highway 421 to Dunn, N.C., and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

No. MC 13300 (Sub No. 68), filed September 2, 1960. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 "E" Street, NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between Durham, N.C., and junction Interstate Highway 85 and U.S. Highway 70 near Effand, N.C., over Interstate Highway 85, serving all intermediate points; and (2) between junction Combined U.S. Highway 29, 52, and 70 and Interstate Highway 85 north of Salisbury, N.C., and junction Combined U.S. Highways 29 and 601 and Interstate Highway 85 near China Grove, N.C., over Interstate Highway 85, serving all intermediate points.

NOTE: Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7078, RYDER SYSTEM, INC.—CONTROL—SOUTHERN PLAZA EXPRESS, INC., published in the January 14, 1959, issue of the FEDERAL REGISTER on pages 342 and 343. Application filed September 8, 1960, for temporary authority under section 210a(b).

No. MC-F-7524, D & L TRANSPORT, INC.—PURCHASE (PORTION)—SPROUT & DAVIS, INC., published in the May 11, 1960, issue of the FEDERAL REGISTER on page 4224. Amendment to the application was filed September 6, 1960, for the purpose of transferring the following additional operating rights: *Petroleum and petroleum products*, in bulk, in tank vehicles, as a common carrier over irregular routes, between Whiting, Ind., on the one hand, and, on the other, certain points in Michigan, and between East Chicago, Ind., on the one hand, and, on the other, certain points in Michigan.

No. MC-F-7617 (H & S, INC.—PURCHASE—FLORIDA HIGHWAY EXPRESS, INC.), published in the August 17, 1960, issue of the FEDERAL REGISTER on page 7910. Supplemental application filed September 2, 1960, to show L. W. HOLSTUN and PAUL E. HOLSTUN, as persons controlling vendee.

No. MC-F-7622 (TOM'S EXPRESS, INC.—PURCHASE—JOE DAVIS (JOHN BENDER, ADMINISTRATOR), published in the August 17, 1960, issue of the FEDERAL REGISTER on page 7911. Supplemental application filed September 1, 1960, to show joinder of LEON RAVEAUX, 133 Park Avenue, Wierton, W. Va., and GUIDO SESSI, 3909 Washington Street, Wierton, W. Va., as the persons controlling vendee.

No. MC-F-7653. Authority sought for purchase by BRANCH MOTOR EXPRESS COMPANY, 300 Maspeth Ave., Brooklyn 11, N.Y., of a portion of the operating rights and property of WM. G. McCORMICK, INC., 601 Centre St., Ashland, Pa., and for acquisition by MEYER J. BUTENSKY AND EMANUEL BURTON, both of Brooklyn, N.Y., of control of such rights and property through the purchase. Applicant's attorney: Clarence D. Todd, Todd, Dillon & Singer, 1825 Jefferson Place NW., Washington 6, D.C. Operating rights sought to be transferred: *Cotton-knit goods*, as a common carrier over irregular routes, from Ashland and Girardville, Pa., to Buffalo, Medina, Utica, and Port Jervis, N.Y., Perth Amboy, Plainfield, and Jersey City, N.J., Baltimore, Md., Wheeling, W. Va., Wilmington, Del., and points in Ohio, and the District of Columbia; *used tires*, from Pottsville, Pa., to Cumberland, Md.; *used machinery*, from Pottsville,

Pa., to points in New York, New Jersey, and Ohio; *groceries, rubber goods, hardware, automobile accessories and tires, syrup, confections, paper, paper products, shirts, glass, glass products, yarn, thread, tents, and tent accessories*, from Trenton and Milford, N.J., Baltimore, Md., Norfolk, Va., Wilmington, Del., points in New Jersey within ten miles of New York, N.Y., and those in New York, Ohio, and West Virginia, to Wilkes-Barre and Ashland, Pa., and points within 25 miles of Ashland; *general commodities*, excepting, among others, household goods and commodities in bulk, between Ashland, Pa., and points within 25 miles of Ashland, on the one hand, and, on the other, Scranton, Ashland, and Wilkes-Barre, Pa. Vendee is authorized to operate as a common carrier in Delaware, New Jersey, New York, Maryland, Pennsylvania, Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-7652. Authority sought for purchase by CLYDE B. DIDLAKE, doing business as CLYDE'S CHARTER BUS SERVICE, 301 Furnace Branch Road, East, Glen Burnie, Md., of the operating rights of JAMES MILTON JOHNSON, doing business as JOHNSON MOTOR BUS SERVICE, Pasadena, Md. Applicants' attorney: S. Harrison Kahn, 1110-1114 Investment Building, Washington, D.C. Operating rights sought to be transferred: *Passengers and their baggage*, restricted to traffic originating at the point and in the territory indicated, in charter operations, as a common carrier, over irregular routes, from points in Anne Arundel County, Md., to points in Maryland, the District of Columbia, Virginia, Pennsylvania, and Delaware. Vendee is authorized to operate as a common carrier in Maryland, Virginia, Delaware, Pennsylvania, New Jersey, New York, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-8768; Filed, Sept. 20, 1960; 8:48 a.m.]

[Rev. S.O. 562, Amdt. 2 to Taylor's I.C.C. Order 122]

UNION RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 122 (The Union Railroad Company (Pittsburgh, Pennsylvania)) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 122 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1960,

unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 15, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 15, 1960.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 60-8769; Filed, Sept. 20, 1960;
8:48 a.m.]

[Notice 381]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 16, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63339. By order of September 14, 1960, The Transfer Board approved the transfer to Har-Pen Truck Lines, Inc., Milledgeville, Ga., of Certificate in No. MC 115442 Sub 1, issued April 15, 1958, to Butler Truck Lines, Incorporated, as amended January 5, 1960, by changing the name to Joyner Truck Lines, Inc., and of Certificate No. MC 115442 Sub 3, issued September 12, 1960, to Joyner Truck Lines, Inc., Milledgeville, Ga., authorizing the transportation of: Clay products, from Milledgeville and Stevens Pottery, Ga.; to points in Alabama, Florida, North Carolina, South Carolina, Mississippi, Louisiana, and Tennessee, and Ground oyster shells, from High Point, Fla., to points in Georgia, Alabama, Tennessee, North Carolina, and South Carolina. T. Baldwin Martin, 503 First Nat'l Bank Building, Macon, Georgia, for applicants.

No. MC-FC 63499. By order of September 14, 1960, The Transfer Board approved the transfer to William E. Brown, Pittsburgh, Pa., of Permit in No. MC 5363, issued June 15, 1951, to James H. Alston, doing business as Alston Truck Service, Pittsburgh, Pa., authorizing the transportation of: Iron and steel, not including manufactured products thereof, over irregular routes, between McKees Rocks, Pa., on the one hand, and, on the other, points in West Virginia, and Ohio,

Arthur J. Diskin, Attorney at Law, 302 Frick Building, Pittsburgh, Pa., for applicants.

No. MC-FC 63509. By order of September 14, 1960, The Transfer Board approved the transfer to George L. Hooker, Inc., Tuscarawas Road, Uhrichsville, Ohio, of Permits Nos. MC 26120, MC 26120 Sub 1, MC 26120 Sub 2, and MC 26120 Sub 3, issued February 8, 1955, November 4, 1958, September 17, 1959 and April 29, 1960, respectively, to George L. Hooker, Uhrichsville, Ohio, authorizing the transportation of: Brick, from Uhrichsville, Palmyra, New Philadelphia, and Lisbon, Ohio, to points in Pennsylvania and West Virginia, from Midland, Pa., to Uhrichsville, Ohio; Sewer Pipe, from Uhrichsville and New Philadelphia, Ohio to points in Pennsylvania and West Virginia, from Franklin, Pa., to points in Ohio; Steel, from Bethlehem, Pa., to points in Ohio; Vitrified clay sewer pipe and fittings, from Diamond and Uhrichsville, Ohio, to points in Florida; Materials used in the manufacturing and processing of vitrified clay sewer pipe and fittings therefor, from Diamond, Uhrichsville, and Akron, Ohio, to Fort Lauderdale, Fla.; empty containers used in transporting the above-specified commodities, from Fort Lauderdale, Fla., to Diamond, Uhrichsville and Akron, Ohio; Machinery, machinery parts, and dies and forms used in the manufacture of concrete pipe, between Diamond and Uhrichsville, Ohio, on the one hand, and, on the other, Fort Lauderdale, Fla.; Vitrified clay sewer pipe and fittings therefor and clay conduit, clay base drain block and materials used in the installation and insulation thereof, from Diamond and Uhrichsville, Ohio, to points in Georgia, North Carolina and South Carolina; and empty pallets and rejected shipments of the above-specified commodities, from points in Georgia, North Carolina and South Carolina to Diamond and Uhrichsville, Ohio. Richard H. Brandon, Attorney at Law, 808 Hartman Bldg., Columbus 15, Ohio, for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-8772; Filed, Sept. 20, 1960;
8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 293]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a

catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Broward, Charlotte, Collier, Dade, De Soto, Flagler, Glades, Hardee, Hendry, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pinellas, Polk, Saint Johns, Saint Lucie, Sarasota, Seminole and Volusia (hurricane winds, high tides and floods from heavy rains occurring on or about September 9, 10, and 11, 1960).

Offices

Small Business Administration Regional Office, 90 Fairlie Street NW., Atlanta 3, Ga.

Small Business Administration Branch Office, Huntington Building, Room 301, 168 Southeast First Street, Miami 32, Fla.

2. Temporary field offices will be established at Marathon and Fort Myers, Florida, addresses to be announced locally.

3. Applications for disaster loans under the Authority of this Declaration will not be accepted subsequent to March 31, 1961.

Dated: September 12, 1960.

PHILIP MCCALLUM,
Administrator.

[F.R. Doc. 60-8756; Filed, Sept. 20, 1960;
8:47 a.m.]

[Delegation of Authority No. 30-IV-20 (Rev. 3)]

BRANCH MANAGER, COLUMBIA, SOUTH CAROLINA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Rev. 6), as amended (25 F.R. 1706, 7418) there is hereby delegated to the Branch Manager, Columbia Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Direct business loans in an amount not exceeding \$20,000; and

b. Participation business loans in an amount not exceeding \$100,000.

2. To approve or decline disaster loans not exceeding \$50,000.

3. To approve or decline limited loan participation loans.

4. To enter into business loan and disaster loan participation agreements with banks.

5. To disburse approved loans.

6. To execute loan authorizations for Washington approved loans and loans

approved under delegated authority, said execution to read as follows:

PHILIP MCCALLUM, Administrator

By _____
(Name)

Manager, Columbia Branch Office

7. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

8. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

9. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

10. To take all necessary action in connection with the administration, servicing and collection of current and problem loans.

11. To take the following actions in the administration of fisheries' loans:

- (a) Amend loan authorizations;
- (b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months;
- (c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of \$20,000 or less;
- (d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;
- (e) Disburse fisheries' loans in the same manner as SBA business loans; and
- (f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Procurement and technical assistance.* 1. To determine joint set-asides for Government procurements and sales.

2. To determine the need for representation at procurement and disposal centers.

3. To develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

C. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

D. *Correspondence.* To sign all non-policy making correspondence, including Congressional correspondence, relating to the functions of the Branch Office.

II. The authority delegated herein may not be redelegated, except I.B. which may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Columbia, South Carolina, Branch Office.

IV. All previous authority delegated by the Regional Director to the Branch

Manager, Columbia, South Carolina, is hereby rescinded without prejudice to actions taken under all other delegations of authority prior to the date hereof.

Effective date: August 18, 1960.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 60-8757; Filed, Sept. 20, 1960;
8:47 a.m.]

[Delegation of Authority No. 30-XV-1
(Rev. 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Rev. 6) (25 F.R. 1706), as amended (25 F.R. 7418) there is hereby redelegated to the Chief, Financial Assistance Division, the authority:

A. *Financial assistance.* 1. To approve and decline disaster loans and limited loan participation business loans.

2. To approve but not decline direct and participation business loans.

3. To enter into business loan and disaster loan participation agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator

By _____
(Name)

Chief, Financial Assistance Division

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take the following actions in the administration of fisheries' loans:

- (a) Amend loan authorizations;
- (b) Extend the period of disbursement of loans of \$50,000 or less for a period not to exceed four months;
- (c) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of \$20,000 or less;
- (d) Disburse fisheries' loans in the same manner as SBA business loans; and
- (e) Cancel loan authorizations prior to disbursement upon the written request of the applicant; and
- (f) Administer current fisheries' loans and those loans delinquent not more

than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases, or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest to or in property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(b) The execution and delivery of contracts of sale or of lease or sub-lease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign all non-policy making correspondence, except Congressional correspondence and correspondence addressed to the Washington office, relating to the financial assistance program.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 22, 1960.

EINAR JOHNSON,
Acting Regional Director,
Detroit Regional Office.

[F.R. Doc. 60-8758; Filed, Sept. 20, 1960;
8:47 a.m.]

[Delegation of Authority No. 30-XV-6,
(Rev. 1)]

CHIEF, INVESTMENT DIVISION

Delegation Relating to the Investment Program

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Rev. No. 6) (25 F.R. 1706), as amended June 27, 1960, there is hereby redelegated to the Chief, Investment Division, the following:

A. *Investment program.* 1. To extend the disbursement period of section 502 loan authorizations or undisbursed portions of section 502 loans.

2. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

3. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign all non-policy correspondence, except Congressional correspondence, and correspondence addressed to the Washington office, relating to the functions of the Investment Division in the Regional Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Investment Division.

IV. All previous authority delegated by the Regional Director to the Chief, Investment Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the effective date hereof.

Effective date: August 22, 1960.

EINAR JOHNSON,
*Acting Regional Director,
Detroit Regional Office.*

[F.R. Doc. 60-8759; Filed, Sept. 20, 1960;
8:47 a.m.]

[Delegation of Authority No. 30-XV-8,
(Rev. 1)]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-XV-1 (Rev. 2), dated August 22, 1960, there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To take all necessary actions in connection with the servicing, administration and collection of partially or fully disbursed loans.

2. To take all necessary action in connection with the liquidation of partially or fully disbursed loans, other obligations and acquired property.

3. Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases, or partial releases of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign all non-policy correspondence originating in the Loan Administration Section, except Congressional correspondence, correspondence addressed to the Washington office, and letters to borrowers or guarantors containing any threat of legal action.

II. The authority delegated in subsections I. A. and B. may not be redelegated. The authority delegated in subsection I. C. may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to the actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 22, 1960.

D. J. FAILOR,
*Chief, Financial Assistance Division,
Detroit Regional Office.*

[F.R. Doc. 60-8760; Filed, Sept. 20, 1960;
8:47 a.m.]

[Delegation of Authority No. 30-XV-7,
(Rev. 1)]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division, by Delegation of Authority No. 30-XV-1 (Rev. 2), dated August 22, 1960, there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve and decline disaster loans and limited loan participation business loans.

2. To approve but not decline direct and participation business loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

PHILIP McCALLUM, *Administrator*

By _____
(Name)

Chief, Loan Processing Section

5. To cancel, reinstate, modify and amend authorizations for undisbursed business or disaster loans.

6. To extend the disbursement period on undisbursed business and disaster loan authorizations.

7. To take the following actions in the administration of fisheries' loans:

(a) Amend undisbursed loan authorizations;

(b) Extend the period of disbursement of undisbursed loans of \$50,000 or less for a period not to exceed four months;

(c) Cancel loan authorizations prior to disbursement upon written request of the applicant.

B. *Administration.* 1. To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

2. To authorize or approve official travel for employees under his supervision.

C. *Correspondence.* To sign non-policy making correspondence, except Congressional correspondence and correspondence addressed to the Washington office, relating to the functions of the Loan Processing Section.

II. The authority delegated in subsections I. A. and I. B. may not be redelegated. The authority delegated in subsection I. C. may be redelegated, limiting such redelegation to routine correspondence only.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Processing Section, is rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 22, 1960.

D. J. FAILOR,
*Chief, Financial Assistance Division,
Detroit Regional Office.*

[F.R. Doc. 60-8761; Filed, Sept. 20, 1960;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI61-74 etc.]

TEXACO INC., ET AL.

Order Providing for Hearing on and
Suspension of Proposed Changes
in Rates ¹

SEPTEMBER 14, 1960.

In the matter of Texaco, Inc., Docket
No. RI61-74; D. W. Skinner, et al.,

¹ This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Docket No. RI61-75; Standard Oil Company of Texas, Docket No. RI61-76; Dean A. Draper, Docket No. RI61-77; Humble Oil & Refining Company, Docket No. RI61-78; Shoreline Petroleum Corporation (Operator), et al., Docket No. RI61-

79; Union Oil Company of California, Docket No. RI61-80; N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al., Docket No. RI61-81; Cities Service Oil Company, Docket No. RI61-82.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf ²		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI61-74....	Texaco Inc.....	23	8	El Paso Natural Gas Co.: (Big Lake West Fusselman Field, Reagan County, Tex.)	Undated	8-15-60	9-15-60	2-15-61	14.30696	15.6831	RI60-137
		24	8	(Jack Herbert Field, Upton County, Tex.)	do.....	8-15-60	9-15-60	2-15-61	³ 14.3345	15.70925	RI60-137
		25	9	(Bedford Field, Andrews County, Tex.)	do.....	8-15-60	9-15-60	2-15-61	⁴ 11.6358	13.68225	RI60-137
		168	9	(South Andrews Field, Andrews County, Tex.)	do.....	8-15-60	9-15-60	2-15-61	⁴ 11.6164	13.6594	RI60-142
		169	4	(Todd Northwest Field, Crockett County, Tex.)	do.....	8-15-60	9-15-60	2-15-61	14.3105	15.6755	RI60-137
RI61-75....	D. W. Skinner, et al..	2	2	Cities Service Gas Co. (South West Medicine Lodge Field, Barber County, Kans.)	8-12-60	8-15-60	9-15-60	2-15-61	12.0	13.0	-----
RI61-76....	Standard Oil Co. of Texas.	26	6	Texas Gas Corp. (Robinson Lake Field, Chambers County, Tex.)	Undated	8-16-60	9-16-60	2-16-61	14.0	17.25	-----
RI61-77....	Dean A. Draper.....	1	4	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.)	8-16-60	8-17-60	9-17-60	2-17-61	11.0	17.0	-----
RI61-78....	Humble Oil & Refining Co.	⁵ 245	-----	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.)	8-16-60	9-19-60	9-19-60	2-19-61	⁶ 10.497	-----	G-15687
RI61-79....	Shoreline Petroleum Corp. (Operator), et al.	21	5	United Gas Pipe Line Co. (Yanta Field, Goliad County, Tex.)	8-16-60	8-19-60	9-19-60	2-19-61	7.596	23.25	-----
		21	5	United Gas Pipe Line Co. (Yanta Field, Goliad County, Tex.)	8-17-60	8-19-60	9-19-60	2-19-61	7.596	14.5	-----
RI61-80....	Union Oil Co. of California.	12	6	United Fuel Gas Co. (Lake Hatch Field, Terrebonne Parish, La.)	8-15-60	8-19-60	11-1-60	4-1-61	19.75	20.15	G-19609
RI61-81....	N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Co. (Operator), et al.	3	4	Kansas-Nebraska Natural Gas Co., Inc. (Texas County, Okla.)	8-19-60	8-22-60	10-1-60	3-1-61	⁶ 16.4	16.6	G-19484
RI61-82....	Cities Service Oil Co..	121	8	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.)	8-19-60	8-22-60	10-1-60	3-1-60	16.6	16.8	G-19322

¹ The stated effective date is the first day after the required thirty days' notice or, if later, the date requested by respondent.

² The rates of Humble Oil & Refining Co. and Union Oil Co. of California are at a pressure base of 15.025 psia. The other rates are at 14.65 psia.

³ High pressure gas.

⁴ Low pressure gas.

⁵ Humble Oil & Refining Co.'s FPC Gas Rate Schedule No. 245 (contract dated 7-31-60) supersedes its FPC Gas Rate Schedule No. 30, as amended. The rate in effect subject to refund under Rate Schedule No. 30 is 10.497 cents per Mcf.

⁶ Includes 1.75 cents per Mcf deducted by the purchaser for amortization of facilities, dehydration, gathering, and treating.

In support of its proposed favored-nation increased rates, Texaco Inc. (Texaco) cites the favored-nation provisions in its contracts and cites triggering rate increases.² Texaco states that its contracts were negotiated at arm's length and that the increases are needed to compensate for increasing costs and to provide incentive for further exploration and development. Texaco also states that its high pressure gas is of comparable quality to gas being sold at 16.0 cents in the area.

In support of their proposed periodic increased rate, D. W. Skinner, et al. (Skinner) cite their contract and state that the contract was negotiated at arm's length. Skinner also states that the subject well is economically marginal and that the proposed increase will enable postponement of abandonment.

In support of its proposed redetermined increased rate, Standard Oil Company of Texas (Standard) cites a redetermined rate³ of Phillips Petroleum Company provided under a contract similar to Standard's. (But Standard does not cite the three highest prices in District No. 3, the average of which provides the basis for redetermination under Standard's own contract.) Standard

also states that the increased rate is just and reasonable and that it would be inequitable, unfair, and confiscatory not to approve the rate.

In support of his proposed arbitrated increased rate, Dean A. Draper (Draper) cites his contract, including an arbitration clause, and submits an arbitration agreement. Draper states that his contract was negotiated at arm's length and that the arbitrated rate is just and reasonable. Draper also refers to a cost study submitted with his Supplement No. 4 to his FPC Gas Rate Schedule No. 2.⁴

In support of its proposed renegotiated increased rate, Humble Oil & Refining Company (Humble) submits a renegotiated contract, dated July 31, 1960, superseding its FPC Gas Rate Schedule No. 30. Humble states that the contract was negotiated at arm's length and includes no flexible pricing provisions. Humble also states that the rate is just and reasonable and is in line with gas prices in South Louisiana.

In support of its proposed renegotiated increased rate, Shoreline Petroleum Corporation (Operator), et al. (Shoreline) cites the provisions in its contract, states that costs are increasing, and states that its proposed rate is below the average being paid in the area. Shoreline lists several initial jurisdictional rates to indicate the average in the area.

In support of its proposed periodic increased rate, Union Oil Company of Cali-

fornia (Union) cites its contract and states that its contract was negotiated at arm's length. Union also states that the rate does not exceed the value of gas in the area and is just and reasonable.

In support of their proposed periodic increased rates, N. Bruce Calder and Curtis E. Calder, Jr., d/b/a Horizon Oil & Gas Company (Operator), et al. and Cities Service Oil Company both cite their contracts and state that their proposed rates are just and reasonable, are lower than the going price for gas in the area, and are lower than the market value for equivalent gas supplies.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements and rate schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of

² The cited rates are effective subject to refund in the proceedings in Docket Nos. G-20404 (Phillips Petroleum Company, Operator) and G-20407 (Socony Mobil Oil Company, Inc.).

³ Effective subject to refund in the proceeding in Docket No. G-19950.

⁴ Rate in effect subject to refund in the proceeding in Docket No. G-17924.

the several proposed increased rates and charges contained in the above-designated supplements and Humble's FPC Gas Rate Schedule No. 245.

(B) Pending hearing and decision thereon, each of the above-designated supplements and rate schedule is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements or rate schedule hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 31, 1960.

By the Commission (Acting Chairman Kline would reject the filings suspended in Docket No. RI61-78).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8750; Filed, Sept. 20, 1960;
8:46 a.m.]

[Docket No. CP60-63]

COLORADO-WYOMING GAS CO.

Notice of Date of Hearing

SEPTEMBER 15, 1960.

Take notice that pursuant to the authority conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1960 at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application of Colorado-Wyoming Gas Company in the above-entitled proceeding: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Colorado-Wyoming to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Notice of the application filed herein was published in the FEDERAL REGISTER on August 18, 1960 (25 F.R. 8006). The final date for filing protests and petitions to intervene was September 7, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8747; Filed, Sept. 20, 1960;
8:45 a.m.]

[Docket Nos. CP60-122, CP60-124]

TEXAS EASTERN TRANSMISSION CORP. AND ALGONQUIN GAS TRANSMISSION CO.

Notice of Applications and Consolidation

SEPTEMBER 15, 1960.

In the matter of Texas Eastern Transmission Corporation, Docket No. CP60-122; Algonquin Gas Transmission Company, Docket No. CP60-124.

Take notice that on June 13, 1960, Texas Eastern Transmission Corporation (Texas Eastern) filed an application in Docket No. CP60-122, as supplemented on July 14, 1960, August 1, 1960 and August 26, 1960, for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), to construct and operate facilities, hereinafter more fully described, so as to make increased deliveries of up to 51,002 Mcf per day to 17¹ of its existing customers on a long-term firm basis. The increased annual volumes proposed for sale to said customers is approximately 15,123,000 Mcf.

In order to render the aforesaid service, Texas Eastern proposes to construct and operate a total of 66.28 miles of 30-inch pipeline loops at various places along its pipeline system between Vidor, Texas and Lambertville, New Jersey. Of this total pipeline looping, 12.78 miles are to be constructed east of Texas Eastern's storage fields and the remaining 53.5 miles west of the storage fields. Installation of 33,710 additional compressor horsepower at four existing stations² located west of the storage fields is also proposed, along with a change of centrifugal compressor impellers at its compressor stations at Egypt, Mississippi, at Barton, Alabama, at Mt. Pleasant, Tennessee and at Tompkinsville, Kentucky.

Texas Eastern proposes to finance the estimated cost of these facilities (\$17,592,000) along with other facilities proposed in pending dockets, through the sale of \$40,000,000 of securities consisting of preferred stock and debentures.

On June 17, 1960, Algonquin Gas Transmission Company (Algonquin) filed a companion application in Docket No. CP60-124, as supplemented on July 18, 1960, for certificate authority to construct and operate facilities so as to deliver an additional quantity of 14,832 Mcf per day (4,004,640 Mcf annually) to 10³ of its existing customers, under its presently effective rate schedule F-1, on a long-term firm basis. The availability of this additional service is dependent upon Texas Eastern receiving certification of its application in Docket No. CP60-122 which contains, in part, a proposed allocation of 20,000 Mcf per day to Algonquin. Algonquin will use the additional volumes, over and above those required to meet its proposed commitments in Docket CP60-124, to satisfy increased company requirements such as com-

pressor fuel, company use and allowance for line loss. Additionally, Algonquin claims that it will have available a relatively small amount of unallocated supply which will permit it to meet most expeditiously presently unforeseeable increases in customer requirements.

In order to increase its system capacity sufficiently to enable it to render the aforesaid additional firm service, Algonquin proposes to construct additional compressor facilities estimated to cost \$2,465,600. Algonquin proposes to meet this cost by the use of retained earnings and by obtaining a bank loan in August 1961 of \$2,250,000 at 5 percent interest.

These matters are interrelated and should be disposed of on a consolidated record.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 6th day of October, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The applications are on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Proposed Service Docket No. CP60-122

Customer	Rate schedule	Mcf per day @ 14.73 psia
Algonquin Gas Transmission Co.	DCQ-D	20,000
Arkansas Louisiana Gas Co.	SGS-B	255
Brooklyn Union Gas Co.	DCQ-D	4,461
Cairo, Illinois, City of	SGS-B	1,020
Carnegie Natural Gas Co.	DCQ-C	3,060
Consolidated Edison Co. of N.Y.	DCQ-D	11,863
Fulton, Mississippi, Town of	SGS-B	102
Hartsville Gas Co.	SGS-C	204
Huntingburg, Indiana, City of	SGS-C	204
Huntingdon Gas Co.	GS-D	1,785
Jasper, Indiana, City of	SGS-C	306
Missouri Utilities Co.	GS-B	1,020
New Jersey Natural Gas Co.	DCQ-D	2,040
Norris City, Illinois, City of	SGS-B	255
Pulaski, Tennessee, City of	SGS-B	816
Public Service Electric and Gas Co.	GS-D	3,366
Tennessee Gas Co.	SGS-B	245
Total		51,002

APPENDIX B

Proposed Service Docket No. CP60-124

Customer	Mcf per day @ 14.73 psia
Boston Gas Co.	3,800
Brockton Taunton Gas Co.	2,000
The Connecticut Gas Co.	1,500
Consolidated Edison Co. of N.Y., Inc.	1,000
The Hartford Electric Light Co.	200
The Hartford Gas Co.	900
New Jersey Natural Gas Co.	600
City of Norwich, Connecticut	150
Providence Gas Co.	3,900
Worcester Gas Light Co.	782
Total	14,832

[F.R. Doc. 60-8751; Filed, Sept. 20, 1960;
8:46 a.m.]

¹ See Appendix A.

² Vidor, Texas; Opelousas, Louisiana; Barton, Alabama and Tompkinsville, Kentucky.

³ See Appendix B.

[Docket No. E-6955]

PACIFIC POWER & LIGHT CO.**Notice of Application**

SEPTEMBER 15, 1960.

Take notice that on September 6, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), for the issuance of not to exceed 27,736 authorized but unissued shares of Common Stock of the par value of \$6.50 per share. Applicant, having its principal business office at Portland, Oregon, is incorporated under the laws of the State of Maine and does business in the States of Oregon, Washington, Wyoming, Montana and Idaho.

Applicant proposes to offer, issue and sell to its employees up to but not exceeding 27,736 shares of its Common Stock of the par value of \$6.50 per share under and in accordance with the terms and conditions of an Employees' Stock Purchase Plan, a copy of which is filed as an exhibit with this application. The offering price per share will be 95% of the average of the weekly bid prices publicly quoted for such stock for the calendar month preceding the month in which subscription applications are accepted. The total offering price of the aforesaid Common Stock shall not exceed \$300,000 in the aggregate in any one 12-months' period. There will be no underwriting agreements, fees, or commissions and the stock will not be issued and sold pursuant to competitive bidding. Applicant states that the proceeds received from the issuance and sale of the aforesaid Common Stock will be used for construction, improvement and extension of its electric facilities.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 3d day of October 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8748; Filed, Sept. 20, 1960;
8:45 a.m.]

[Docket No. RP61-7]

PANHANDLE EASTERN PIPE LINE CO.
Order Providing for Hearing and
Suspending Service Agreements

SEPTEMBER 14, 1960.

On August 15, 1960, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing six service agreements

No. 184—8

proposing retroactive increased summer contract demands for five customers and a retroactive decreased summer contract demand for one customer.

Panhandle proposes a retroactive effective date of April 1, 1960, for sales of natural gas to Missouri Utilities Company (Missouri Utilities), Central Indiana Gas Company (Central Indiana), Kokomo Gas and Fuel Company (Kokomo Gas), and Indiana Gas and Water Company, Inc. (Indiana Gas), under their respective new service agreement.

Panhandle proposes a retroactive effective date of July 1, 1960, for decreased contract demand for sales of natural gas to Southeastern Michigan Gas Company (Southeastern Michigan) under its new service agreement.

The retroactive effective dates are requested by Panhandle, to avoid penalties provided by Panhandle's tariff for past overruns of contract demand by Battle Creek, Central Indiana, Indiana Gas, and Kokomo Gas.

The decision of the Court in Michigan Consolidated Gas Company v. FPC, _____ U.S. App. D.C., _____ F. 2d _____ (Docket No. 15358, decided July 11, 1960) leaves the Commission a number of alternatives in respect to the method of allocating the 127,000 Mcf of gas for the period prior to the Commission's final disposition of this gas. To conform with the Court's direction for an interim disposition of this gas, we cannot jeopardize such disposition by reducing Panhandle's ability to perform whatever method of allocation of such gas as we may determine. Until we fix the interim allocation, it is necessary that we maintain the status quo. The effect of allowing the service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities to become effective retroactively and without suspension could tend to decrease Panhandle's ability to perform the obligations to deliver gas to Michigan Consolidated Gas Company (Mich-Con) which the Commission may order pursuant to the Court remand of the Commission's order in Docket No. G-11061. See Michigan Consolidated Gas Company v. F.P.C., _____ U.S. App., D.C., _____ F. 2d _____ (Docket Nos. 14975, 14976, decided April 29, 1960; Docket No. 15358, decided July 11, 1960; Docket Nos. 14975 et al., decided July 11, 1960) [three opinions]. Should the Commission ultimately decide that Panhandle's prior service of 127,000 Mcf per day to Mich-Con be resumed or should Mich-Con's offer of settlement filed January 23, 1959, be accepted by the Commission, Panhandle may be unable to deliver the required volumes of natural gas to Mich-Con if the above increased contract demands are made retroactively effective and not suspended.

The proposed changes in the contract demands set forth in Panhandle's serv-

ice agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

In respect to the retroactive decrease in contract demand for sales of natural gas to Southeastern Michigan, we can see no objection to allowing its service agreement to become effective as requested.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of Panhandle's service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities, filed August 15, 1960, and that the above service agreements be suspended and the use thereof deferred as hereinafter ordered.

(2) Good cause exists and it is in the public interest that Panhandle's service agreement with Southeastern Michigan, filed August 15, 1960, be allowed to become effective on July 1, 1960.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing will be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of Panhandle's service agreements with Battle Creek, Central Indiana, Indiana Gas, Kokomo Gas, and Missouri Utilities, filed August 15, 1960.

(B) Pending such hearing, and decision thereon, the above-designated service agreements be suspended and the use thereof deferred until February 15, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)). Persons seeking to intervene must file their petitions to intervene within 45 days from the issuance of this order pursuant to § 1.8 of the Commission's rules of practice and procedure (18 CFR 1.8).

(D) Panhandle's service agreement with Southeastern Michigan filed August 15, 1960, is hereby allowed to become effective on July 1, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-8749; Filed, Sept. 20, 1960;
8:45 a.m.]

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.

PROPOSED RULES: 545 ----- 8747

32 CFR	Page
157	8606
561	8607
562	8638
577	8545
590	8375
592	8375
596	8375
598	8375
601	8375
602	8375
605	8375
606	8375
836	8715
33 CFR	
72	8949
80	9045
84	9045
90	9046
95	9046
203	8906, 9003
205	9003
207	8378, 8379, 8906
36 CFR	
211	8379
38 CFR	
3	8639
6	8776
8	8776
39 CFR	
15	9047
17	9047

39 CFR—Continued	Page
25	9047
29	9047
31	9047
44	9047
PROPOSED RULES:	
32	9010
41 CFR	
9-7	8864
9-15	8873
42 CFR	
PROPOSED RULES:	
73	8886, 8960
43 CFR	
15	8949
199	8546
PUBLIC LAND ORDERS:	
2196	8485
2197	8485
2198	8546
2199	8548
2200	8950
2201	9004
2202	9049
2203	9050
46 CFR	
308	8380
47 CFR	
1	8814
3	9051

47 CFR—Continued	Page
7	8815
8	8609, 8815, 8881
12	8744
21	8882
31	8777
33	8777
41	8744
43	8814
PROPOSED RULES:	
3	8888, 8889
7	8831
10	8890
11	8831
49 CFR	
7	9004
179	9004
PROPOSED RULES:	
72	8494
73	8495
74	8504
78	8504
142	8486
143	8486
158	8751
159	8751
160	8751
207	8962
50 CFR	
1-356	8397
10	8717
32	8486-8488, 8720,
	8721, 8816-8821, 8884, 9006, 9007
33	8821, 8822, 9007, 9008





